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UNITED STATES
STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED FIRST CONGRESS
OF THE UNITED STATES OF AMERICA

1989

AND

PROCLAMATIONS

VOLUME 103

IN THREE PARTS

PART 2

PUBLIC LAWS 101-163 THROUGH 101-237

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101-128	Designating October 1989 as "Italian-American Heritage and Culture Month".	Oct. 25, 1989	773
101-129	To designate the month of October 1989 as "Country Music Month".	Oct. 25, 1989	774
101-130	Making further continuing appropriations for the fiscal year 1990, and for other purposes.	Oct. 26, 1989	775
101-131	Flag Protection Act of 1989	Oct. 28, 1989	777
101-132	To designate the United States Court of Appeals Building at 56 Forsyth Street in Atlanta, Georgia, as the "Elbert P. Tuttle United States Court of Appeals Building".	Oct. 30, 1989	778
101-133	Designating October 18, 1989, as "Patient Account Management Day".	Oct. 30, 1989	779
101-134	To amend the Disaster Assistance Act of 1989 to avoid penalizing producers who planted a replacement crop on disaster-affected acreage, and for other purposes.	Oct. 30, 1989	780
101-135	To designate October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day".	Oct. 30, 1989	782
101-136	Treasury, Postal Service and General Government Appropriations Act, 1990.	Nov. 3, 1989	783
101-137	To reauthorize the National Flood Insurance Program, the Federal Crime Insurance Program, and the Defense Production Act of 1950, to extend certain housing programs, and for other purposes.	Nov. 3, 1989	824
101-138	Designating November 17, 1989, as "National Philanthropy Day".	Nov. 3, 1989	827
101-139	To designate the period commencing November 12, 1989, and ending November 18, 1989, as "Geography Awareness Week".	Nov. 3, 1989	828
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101-141	To designate November 8, 1989, as "Montana Centennial Day".	Nov. 8, 1989	836
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101-146	To designate November 11, 1989 as "Washington Centennial Day".	Nov. 9, 1989	876
101-147	Child Nutrition and WIC Reauthorization Act of 1989	Nov. 10, 1989	877
101-148	Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.	Nov. 10, 1989	920
101-149	To designate the week beginning October 29, 1989, as "Gaucher's Disease Awareness Week".	Nov. 13, 1989	929
101-150	Designating November 12 through 18, 1989 as "National Glaucoma Awareness Week".	Nov. 13, 1989	930
101-151	Designating November 1989 as "An End to Hunger Education Month".	Nov. 14, 1989	931

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101-152	To redesignate the Federal Building in Houston, Texas, known as the Concorde Tower, as the "George Thomas 'Mickey' Leland Federal Building".	Nov. 15, 1989	932
101-153	Designating November 5-11, 1989, as "National Women Veterans Recognition Week".	Nov. 15, 1989	933
101-154	Making further continuing appropriations for the fiscal year 1990, and for other purposes.	Nov. 15, 1989	934
101-155	To extend the deadlines under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Washington.	Nov. 15, 1989	935
101-156	To revise and clarify the authority of the Administrator of General Services relating to the acquisition and management of certain property in the city of New York.	Nov. 16, 1989	936
101-157	Fair Labor Standards Amendments of 1989	Nov. 17, 1989	938
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101-167	Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.	Nov. 21, 1989	1195
101-168	District of Columbia Appropriations Act, 1990	Nov. 21, 1989	1267
101-169	To designate the period commencing on November 20, 1989, and ending on November 26, 1989, as "National Adoption Week".	Nov. 21, 1989	1285
101-170	Designating November 19-25, as "National Family Caregivers Week".	Nov. 21, 1989	1287
101-171	Southeast Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of 1989.	Nov. 22, 1989	1289
101-172	To authorize the transfer of a specified naval landing ship dock to the Government of Brazil under the leasing authority of chapter 6 of the Arms Export Control Act.	Nov. 22, 1989	1291
101-173	To amend title 5, United States Code, with respect to the method by which premium pay is determined for irregular, unscheduled overtime duty performed by a Federal employee.	Nov. 27, 1989	1292
101-174	Designating November 16, 1989, as "Interstitial Cystitis Awareness Day".	Nov. 27, 1989	1293
101-175	Genesee River Protection Act of 1989	Nov. 27, 1989	1294
101-176	To designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week".	Nov. 27, 1989	1295
101-177	To redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway".	Nov. 28, 1989	1296

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101-178	To amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994.	Nov. 28, 1989	1297
101-179	Support for East European Democracy (SEED) Act of 1989	Nov. 28, 1989	1298
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101-182	Providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.	Nov. 28, 1989	1327
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101-186	To designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.	Nov. 28, 1989	1348
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101-188	To designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week".	Nov. 28, 1989	1351
101-189	National Defense Authorization Act for Fiscal Years 1990 and 1991.	Nov. 29, 1989	1352
101-190	To provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes.	Nov. 29, 1989	1691
101-191	To authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes.	Nov. 29, 1989	1697
101-192	To adjust the boundary of Rocky Mountain National Park	Nov. 29, 1989	1700
101-193	Intelligence Authorization Act, Fiscal Year 1990	Nov. 30, 1989	1701
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101-195	Nevada Wilderness Protection Act of 1989	Dec. 5, 1989	1784
101-196	Designating November 1989 and November 1990 as "National Alzheimer's Disease Month".	Dec. 5, 1989	1790
101-197	Designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week".	Dec. 5, 1989	1791
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101-199	To designate the building located at 2562 Hylan Boulevard, Staten Island, New York, as the "Walter Edward Grady United States Post Office Building".	Dec. 6, 1989	1793
101-200	To authorize distribution within the United States of the United States Information Agency film entitled "A Tribute to Mickey Leland".	Dec. 6, 1989	1794
101-201	To exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs.	Dec. 6, 1989	1795
101-202	To authorize the food stamp portion of the Minnesota Family Investment Plan.	Dec. 6, 1989	1796
101-203	To amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice.	Dec. 7, 1989	1805

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101-206	National Consumer Cooperative Bank Amendments of 1989.	Dec. 7, 1989	1832
101-207	To authorize appropriations for fiscal year 1990 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service.	Dec. 7, 1989	1833
101-208	To improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes.	Dec. 7, 1989	1836
101-209	Designating 1990 as the "International Year of Bible Reading".	Dec. 7, 1989	1838
101-210	Providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.	Dec. 7, 1989	1839
101-211	Providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.	Dec. 7, 1989	1840
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101-215	To provide survival assistance to victims of civil strife in Central America.	Dec. 11, 1989	1852
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101-228	Providing for the convening of the second session of the One Hundred First Congress.	Dec. 12, 1989	1945
101-229	Everglades National Park Protection and Expansion Act of 1989.	Dec. 13, 1989	1946

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5997	To Amend the Generalized System of Preferences	July 6, 1989	3060
5998	National Day To Commemorate the Bicentennial of Bastille Day, the French Revolution, and the Declaration of the Rights of Man and the Citizen.	July 7, 1989	3063
5999	Space Exploration Day, 1989	July 20, 1989	3064
6000	Lyme Disease Awareness Week, 1989	July 26, 1989	3065
6001	National Week of Recognition and Remembrance for Those Who Served in the Korean War, 1989.	July 26, 1989	3067
6002	National POW/MIA Recognition Day, 1989	July 28, 1989	3068
6003	Extending United States Copyright Protections to the Works of the Republic of Indonesia.	July 31, 1989	3069
6004	United States Customs Service 200th Anniversary Year, 1989.	July 31, 1989	3070
6005	Helsinki Human Rights Day, 1989	Aug. 1, 1989	3071
6006	National Neighborhood Crime Watch Day, 1989	Aug. 7, 1989	3073
6007	National Senior Citizens Day, 1989	Aug. 14, 1989	3074
6008	National Library Card Sign-Up Month, 1989	Aug. 14, 1989	3075
6009	National Wilderness Week, 1989	Aug. 14, 1989	3076
6010	Women's Equality Day, 1989	Aug. 15, 1989	3077
6011	National Drive for Life Weekend, 1989	Aug. 15, 1989	3078
6012	National Pledge of Allegiance Day, 1989	Aug. 15, 1989	3079

PROCLAMATION		DATE	PAGE
6013	The Bicentennial Anniversary of the First U.S. Patent and Copyright Laws, 1990.	Aug. 15, 1989	3080
6014	World War II Remembrance Week, 1989	Aug. 29, 1989	3081
6015	National Check-Up Week, 1989	Sept. 5, 1989	3083
6016	Uncle Sam Day, 1989	Sept. 5, 1989	3084
6017	United States Coast Guard Bicentennial	Sept. 12, 1989	3085
6018	National Alcohol and Drug Treatment Month, 1989	Sept. 12, 1989	3086
6019	National Historically Black Colleges Week, 1989	Sept. 13, 1989	3088
6020	National D.A.R.E. Day, 1989	Sept. 13, 1989	3089
6021	National Hispanic Heritage Month, 1989	Sept. 14, 1989	3090
6022	Citizenship Day and Constitution Week, 1989	Sept. 15, 1989	3092
6023	Law and Order in the Virgin Islands	Sept. 20, 1989	3093
6024	United States Marshals Bicentennial Day, 1989	Sept. 21, 1989	3094
6025	General Pulaski Memorial Day, 1989	Sept. 21, 1989	3095
6026	Emergency Medical Services Week, 1989	Sept. 21, 1989	3096
6027	Commendation of the Citizens of the Sioux City, Iowa, Tri-State Area.	Sept. 22, 1989	3098
6028	Gold Star Mother's Day	Sept. 22, 1989	3098
6029	Religious Freedom Week, 1989	Sept. 27, 1989	3100
6030	To Provide for the Tariff Treatment of Goods From the Freely Associated States, To Implement Tariff Reductions on Certain Tropical Products, and for Other Purposes.	Sept. 28, 1989	3101
6031	National Quality Month, 1989	Sept. 29, 1989	3112
6032	Mental Illness Awareness Week, 1989	Sept. 29, 1989	3113
6033	Child Health Day, 1989	Sept. 29, 1989	3114
6034	Minority Enterprise Development Week, 1989	Oct. 2, 1989	3116
6035	National Health Care Food Service Week, 1989	Oct. 3, 1989	3117
6036	Raoul Wallenberg Day, 1989	Oct. 4, 1989	3117
6037	German-American Day, 1989	Oct. 5, 1989	3119
6038	Veterans Day, 1989	Oct. 5, 1989	3120
6039	National Children's Day, 1989	Oct. 5, 1989	3121
6040	Columbus Day, 1989	Oct. 6, 1989	3123
6041	Leif Erikson Day, 1989	Oct. 6, 1989	3124
6042	National School Lunch Week, 1989	Oct. 10, 1989	3125
6043	National Domestic Violence Awareness Month, 1989	Oct. 11, 1989	3126
6044	National Job Skills Week, 1989	Oct. 11, 1989	3127
6045	Italian-American Heritage and Culture Month, 1989	Oct. 12, 1989	3128
6046	National Disability Employment Awareness Month, 1989.	Oct. 13, 1989	3129
6047	White Cane Safety Day, 1989	Oct. 13, 1989	3130
6048	World Food Day, 1989 and 1990	Oct. 16, 1989	3131
6049	National Down Syndrome Month, 1989 and 1990	Oct. 16, 1989	3133
6050	National Awareness Week for Children With Cancer, 1989.	Oct. 18, 1989	3134
6051	National Forest Products Week, 1989	Oct. 19, 1989	3136
6052	United Nations Day, 1989	Oct. 19, 1989	3137
6053	National Red Ribbon Week for a Drug-Free America, 1989.	Oct. 24, 1989	3138
6054	Polish American Heritage Month, 1989	Oct. 25, 1989	3140
6055	Country Music Month, 1989	Oct. 25, 1989	3141
6056	National Arab-American Day, 1989	Oct. 25, 1989	3142
6057	Fire Safety at Home Day, 1989	Oct. 27, 1989	3143
6058	To Amend the Generalized System of Preferences	Oct. 31, 1989	3144
6059	Gaucher's Disease Awareness Week, 1989	Nov. 1, 1989	3150

PROCLAMATION		DATE	PAGE
6060	To Amend the Generalized System of Preferences	Nov. 1, 1989	3151
6061	National Hospice Month, 1989 and 1990	Nov. 7, 1989	3152
6062	National Glaucoma Awareness Week, 1989	Nov. 7, 1989	3153
6063	Montana Centennial Day, 1989	Nov. 8, 1989	3154
6064	National Women Veterans Recognition Week, 1989	Nov. 9, 1989	3154
6065	Washington Centennial Day, 1989	Nov. 9, 1989	3155
6066	Geography Awareness Week, 1989	Nov. 9, 1989	3156
6067	American Education Week, 1989	Nov. 14, 1989	3157
6068	National Diabetes Month, 1989	Nov. 15, 1989	3159
6069	Community Foundation Week, 1989	Nov. 15, 1989	3160
6070	National Farm-City Week, 1989	Nov. 15, 1989	3161
6071	National Philanthropy Day, 1989	Nov. 15, 1989	3162
6072	Hunger Education Month, 1989	Nov. 16, 1989	3163
6073	Thanksgiving Day, 1989	Nov. 17, 1989	3164
6074	National Military Families Recognition Day, 1989	Nov. 20, 1989	3166
6075	National Family Week, 1989 and 1990	Nov. 21, 1989	3167
6076	National Adoption Week, 1989	Nov. 21, 1989	3168
6077	National Family Caregivers Week, 1989	Nov. 22, 1989	3169

PUBLIC LAWS

(CONTINUED)

Public Law 101-163
101st Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1990, and for other purposes.

Nov. 21, 1989
[H.R. 3014]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1990, and for other purposes, namely:

Legislative Branch Appropriations Act, 1990.

TITLE I—CONGRESSIONAL OPERATIONS

Congressional Operations Appropriations Act, 1990.
2 USC 60a note.

SENATE

Mileage and Expense Allowances

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

Salaries, Officers and Employees

For compensation of officers, employees, and others as authorized by law, including agency contributions, $55,019,000 which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,216,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $296,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $1,474,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $458,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $661,500 for each such committee; in all, $1,323,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $290,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $147,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $8,852,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $28,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $983,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $11,980,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $2,079,000: *Provided*, That $100,000 of the amount appropriated to the Office of the Legislative Counsel of the Senate for fiscal year 1989 shall remain available until September 30, 1990.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $676,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000, which shall remain available until September 30, 1991: *Provided*, That at the end of the paragraph preceding the heading "Contingent Expenses of the Senate" in subtitle A of the Congressional Operations Appropriations Act, 1989, strike the period and insert the following: ", which shall remain available until September 30, 1991.". 102 Stat. 2160.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,101,500 for each such committee; in all, $2,203,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $69,442,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $325,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $727,200.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,389,000 of which $6,000,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,506,000: *Provided*, That effective in the case of fiscal years beginning after September 30, 1989, section 120 of Public Law 97-51 is amended by striking out "$40,000" and inserting in lieu thereof "$50,000". 2 USC 61g-6.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $161,124,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. The Chairman of the Majority or Minority Conference Committee of the Senate may, during the fiscal year ending September 30, 1990, at his election, transfer not more than $50,000 from the appropriation account for salaries for the Conference of the Majority and the Conference of the Minority of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6). Any transfer of funds under authority of the preceding sentence shall be made at such time or times as such chairman shall specify in writing to the Senate Disbursing Office. Any funds so transferred by the chairman of the Majority or Minority Conference Committee shall be available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account, within the contingent fund of the Senate, from which expenses are payable under section 120 of Public Law 97-51 (2 U.S.C. 61g-6).

2 USC 61g-8 note.

SEC. 2. Funds appropriated to the Conference of the Majority and funds appropriated to the Conference of the Minority for the fiscal year ending September 30, 1990, may be utilized in such amounts as the Chairman of each Conference deems appropriate for the specialized training of professional staff, subject to such limitations, insofar as they are applicable, as are imposed by the Committee on Rules and Administration with respect to such training when provided to professional staff of standing committees of the Senate.

Communications and telecommunications.
2 USC 58a-2.

SEC. 3. Subsection (d) of section 2 of Public Law 100-123 (2 U.S.C. 58a-1), is amended by inserting immediately after "by the Sergeant at Arms)," the following: "and all other moneys received by the Sergeant at Arms as charges or commissions for telephone services,".

Health and medical care.
Government organization and employees.
2 USC 121c.

SEC. 4. (a) The Sergeant at Arms and Doorkeeper of the Senate is authorized to establish an Office of Senate Health Promotion.

(b)(1) In carrying out this section, the Sergeant at Arms and Doorkeeper of the Senate is authorized to establish, or provide for the establishment of, exercise classes and other health services and activities on a continuing and regular basis. In providing for such classes, services, and activities, the Sergeant at Arms and Doorkeeper of the Senate is authorized to impose and collect fees, assessments, and other charges to defray the costs involved in promoting the health of Members, officers, and employees of the Senate. For purposes of this section, the term "employees of the Senate" shall have such meaning as the Sergeant at Arms, by regulation, may prescribe.

(2) All fees, assessments, and charges imposed and collected by the Sergeant at Arms pursuant to paragraph (1) shall be deposited in the revolving fund established pursuant to subsection (c) and shall be available for purposes of this section.

(c) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Health Promotion Revolving Fund (hereinafter referred to in this section as the "fund"). The fund shall consist of all amounts collected or received by the Sergeant at Arms and Doorkeeper of the Senate as fees, assessments, and other charges for activities and services to carry out the provisions of this section. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for promoting the health of Members, officers, and employees of the Senate.

(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

(e) The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d) shall not be applicable to any class, service, or other activity carried out pursuant to the provisions of this section.

Regulations.

(f) The provisions of this section shall be carried out in accordance with regulations which shall be promulgated by the Sergeant at Arms and Doorkeeper of the Senate and subject to approval at the beginning of each Congress by the Committee on Rules and Administration of the Senate.

SEC. 5. (a) Paragraph (3) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows:

Mail.

"(3)(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege in excess of amounts provided from the appropriation for official mail costs, upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration, (B) postage on, and fees and charges in connection with official mail matter sent through the mail other than the franking privilege upon certification by the Senate Sergeant at Arms and subject to such regulations as may be promulgated by the Committee on Rules and Administration, and (C) reimbursement to each Senator for costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;".

2 USC 58 note.

(b) Receipts paid to the Sergeant at Arms from sales of postage on, and fees and charges in connection with mail matter sent through the mail by Senators, Senate committees, or other Senate offices (including joint committees and commissions funded from the contingent fund of the Senate), other than under the franking privilege, as cash or check payments directly from such Senators, committees, or offices, or as reimbursement from the Financial Clerk of the Senate pursuant to certification by the Sergeant at Arms of charges to be made to such funds available to such Senators, committees, or offices for such postage, fees and charges shall be used by the Sergeant at Arms for payment to the United States Postal Service for such postage, fees, and charges.

2 USC 46a-1 note.

SEC. 6. On and after the date this Act becomes law, the Secretary of the Senate, subject to the approval of the Committee on Appropriations of the Senate, is authorized to provide up to $1,000,000 for capitalization purposes to the revolving fund established by the last paragraph under the heading "Contingent Expenses of the Senate" appearing under the heading "SENATE" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 46a-1), by transferring to such revolving fund any funds available from any Senate appropriation account, with respect to which he has disbursement authority, for the fiscal year in which the transfer is made (or for any preceding fiscal year) or which have been made available until expended; and any moneys so transferred shall be available for use in like manner and to the same extent as the moneys in such revolving fund which were not transferred thereto pursuant to this section.

Communications and telecommunications.

SEC. 7. The Secretary of the Senate may enter into an agreement with the Secretary of Education to provide closed captioning of the Senate floor proceedings, subject to the approval of the Senate Committee on Rules and Administration. The Senate authorizes the Secretary of Education to have access to the audio and video broadcast of the Senate floor proceedings for the purpose of captioning. Such funds as may be necessary to carry out the purposes of this section are authorized to be paid from the appropriation account for "Miscellaneous Items" within the contingent fund of the Senate.

Contracts. 31 USC 1535 note.

SEC. 8. (1) The Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate are authorized to acquire goods, services, or space from government agencies and units by agreement under the provisions of the Economy Act, 31 U.S.C. 1535, and to make advance payments in conjunction therewith, if required by the providing agency or establishment.

(2) No advance payment may be made under paragraph (1) unless specifically provided for in the agreement. No agreement providing for advance payment may be entered into unless it contains a provision requiring the refund of any unobligated balance of the advance.

(3) No agreement may be entered into under paragraph (1) without the approval of the Senate Committee on Rules and Administration and the Senate Committee on Appropriations.

Effective date. 2 USC 61h-7.

SEC. 9. The provisions of Senate Resolution 89, of the One Hundredth Congress, agreed to January 28, 1987, are hereby enacted into law, effective on the date such Senate Resolution 89 was agreed to.

2 USC 61d-1.

SEC. 10. The second proviso, under the headings "SENATE" and "OFFICE OF THE CHAPLAIN", of the Legislative Branch Appropriation Act, 1970 (Public Law 91-145) is amended by striking out "a secretary" and inserting in lieu thereof "such employees as he deems appropriate, except that the amount which may be paid for any fiscal year as gross compensation for personnel in such Office for any fiscal year shall not exceed $147,000".

31 USC 3701 note.

SEC. 11. (a) For purposes of subchapters I and II of chapter 37 of title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of the Senate shall be deemed to be the head of such legislative agency.

(b) Regulations prescribed by the Secretary of the Senate pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.

SEC. 12. There shall be available to meet any unpaid expenses incurred by any duly authorized individual, prior to the first day of the 101st Congress, under authority of section 31a-1 of title 2, United States Code, (1) any unexpended and unobligated funds appropriated for the fiscal year ending September 30, 1988, which were available to such individual as an expense allowance under section 31a-1 or section 31a-3 of such title, plus (2) in case such individual was authorized to incur expenses under authority of section 31a-1 of such title 2 on the last day of the 100th Congress but was not authorized to incur expenses under such authority on the first day of the 101st Congress, 25 percent of the funds appropriated for the fiscal year ending September 30, 1989, under authority of section 31a-2 and section 31a-3 of such title 2.

2 USC 68-7.

SEC. 13. (a) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the "Senate Office of Public Records Revolving Fund" (hereafter in this section referred to as the "revolving fund").

(b) All moneys received on and after October 1, 1989, by the Senate Office of Public Records from fees and other charges for services shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for use in connection with the operation of the Senate Office of Public Records, including supplies, equipment, and other expenses.

(c) Disbursements from the revolving fund shall be made upon vouchers approved by the Secretary of the Senate.

Regulations.

(d) The Secretary of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(e) To provide capital for the revolving fund, the Secretary of the Senate is authorized to transfer, from moneys appropriated for fiscal year 1990 to the account "Miscellaneous Items" in the contingent fund of the Senate, to the revolving fund such sum as he may determine necessary, not to exceed $30,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the Estate of Claude Pepper, late a Representative from the State of Florida, $89,500.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $536,907,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $4,409,000, including: Office of the Speaker, $1,019,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $940,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,041,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $755,000, including $5,000 for official expenses of the Majority Whip and not to exceed $166,560, for the Chief Deputy Majority Whip; Office of the Minority Whip, $654,000, including $5,000 for official expenses of the Minority Whip and not to exceed $84,060, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $188,074,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $55,000,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $354,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $57,716,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $187,099,000, including: Official Expenses of Members, $76,341,000; supplies, materials, administrative costs and Federal tort claims, $19,577,000; net expenses of purchase, lease and maintenance of office equipment, $9,276,000; furniture and furnishings, $1,130,000; stenographic reporting of committee hearings, $800,000; reemployed annuitants reimbursements, $1,380,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $77,973,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,660,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $39,595,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $17,514,000; Office of the Sergeant at Arms, $1,001,000; Office of the Doorkeeper, including overtime, as authorized by law, $8,747,000; Office of the Postmaster, $3,028,000, including $112,560 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $17,802 per annum each; Office of the Chaplain, $81,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $772,000; for salaries and expenses of the Office of the Historian, $279,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,032,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $3,400,000; six minority employees, $543,000; the House Democratic Steering Committee and Caucus, $967,000; the House Republican Conference, $967,000; and other authorized employees, $1,264,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1990 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. (a) One additional employee is authorized for each of the following:

(1) the House Democratic Caucus;

(2) the House Republican Conference;

(3) the Minority Leader; and

(4) the Chief Deputy Majority Whip.

(b) The annual rate of pay for the positions established under subsection (a) shall not exceed the annual rate of pay payable from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 103. (a) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e) is amended—

(1) by striking out "SEC. 104. (a)" and inserting in lieu thereof "SEC. 104. (a)(1)";

(2) by striking out the last sentence; and

(3) by inserting after paragraph (1), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(2) If disposal in accordance with paragraph (1) is not feasible because of age, location, condition, or any other relevant factor, the Clerk may donate the equipment to the government of a State, to a local government, or to an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code. A donation under this paragraph—

"(A) shall be at no cost to the Government; and

"(B) may be made only if the used equipment has no recoverable value because disposal in accordance with paragraph (1), under the most favorable terms available to the Government, would result in a loss to the Government.

Regulations.

"(3) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this subsection.

"(4) As used in this section—

"(A) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) the term 'used equipment' means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Administration of the House of Representatives may prescribe by regulation.".

(b) The first section of the Act entitled "An Act to authorize the disposition of certain office equipment and furnishings, and for other purposes", approved October 20, 1974 (2 U.S.C. 59a), is repealed.

Effective date.
2 USC 117e note.

(c) The amendments made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1989.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,518,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,191,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,372,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $1,000 per month to one Senior

Medical Officer while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) $921,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,405,000, to be disbursed by the Clerk of the House: *Provided*, That, upon enactment of this Act, the Office of the Attending Physician Revolving Fund established by the first undesignated paragraph under the center heading "OFFICE OF THE ATTENDING PHYSICIAN REVOLVING FUND" in title III of the Legislative Branch Appropriation Act, 1976 (89 Stat. 283) is abolished and all monies in the Fund on such date or subsequently received by the Attending Physician from the sale of prescription drugs or from any other source shall be deposited in the Treasury as miscellaneous receipts.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $56,253,000, of which $27,548,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, $28,105,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate, and $600,000, to be disbursed by the Clerk of the House, shall be available for reprogramming upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, and expenses associated with the awards program not to exceed $900, expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,884,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided* *further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1990 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, $100,229,000, of which $23,978,000 is available only for Senate official mail costs, to be disbursed by the Secretary of the Senate, $44,530,000 is available only for House official mail costs, to be disbursed by the Clerk of the House, and $31,721,000 which may only be expended in fiscal year 1990: *Provided*, That, of the amounts apropriated heretofore or in this Act, the following sums that would have otherwise been expended in fiscal year 1990, according to estimates made by the Congressional Budget Office under section 308(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, as amended (Public Law 93-344), shall not be obligated or expended during fiscal year 1990: $998,000 of the amounts provided heretofore or in this Act to the accounts under the heading "Senate", the amount for each to be determined by the Secretary of the Senate, with the concurrence of the Senate Committee on Appropriations; $580,000 of the amounts provided in this Act for reprogramming under the headings "Capitol Police Board", "Capitol Police", "Salaries"; $195,000 of the amounts provided in this Act under the headings "Office of Technology Assessment", "Salaries and Expenses"; $900,000 of the amounts provided heretofore or in this Act under the headings "Biomedical Ethics Board and Biomedical Ethics Advisory Committee", "Salaries and Expenses"; $184,000 of the amounts provided in this Act under the headings "Architect of the Capitol", "Capitol Buildings and Grounds", "Capitol Buildings", with the concurrence of the House and Senate Committees on Appropriations; $282,000 of the amounts provided heretofore or in this Act under the headings "Architect of the Capitol", "Capitol Buildings and Grounds", "Capitol Grounds", with the concurrence of the House and Senate Committees on Appropriations; $6,934,000 of the amounts provided heretofore or in this Act under the headings "Architect of the Capitol", "Capitol Buildings and Grounds", "Senate Office Buildings", with the concurrence of the Senate Committee on Appropriations; $225,000 of the amounts provided in this Act under the headings "Library of Congress", "Congressional Research Service", "Salaries and Expenses"; $2,302,000 of the amounts provided heretofore or in this Act under the headings "Government Printing Office", "Congressional Printing and Binding", as approved by the Joint Committee on Printing, with the concurrence of the House and Senate Committees on Appropriations; $111,000 of the amounts provided in this Act under the headings "Library of Congress", "Salaries and Expenses"; and $3,578,000 of the amounts provided heretofore or in this Act under the headings "Government Printing Office", "Office of the Superintendent of Documents", "Salaries and Expenses", the balance to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act: *Provided*, That funds appropriated for such purpose for the fiscal year ending September 30, 1989, shall remain available until expended.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,345,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $237,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be obligated until the Sergeant at Arms and Doorkeeper of the Senate and the Clerk of the House jointly report to the Appropriations Committees of both Houses their recommendation for the establishment, funding, staffing, support, and administration of a Congressional Special Services Office, or December 1, 1989, whichever first occurs.

Reports.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One Hundred First Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official representation and reception expenses (not to exceed $2,000 from the Trust Fund) to be expended on the certification of the Director of the Office of Technology Assessment, expenses incurred in administering an employee incentive awards program (not to exceed $1,800), rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, 42 U.S.C. 1395w-1, and Public Law 100-360, $18,900,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the

Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

BIOMEDICAL ETHICS BOARD

AND

BIOMEDICAL ETHICS ADVISORY COMMITTEE

Salaries and Expenses

For salaries and expenses necessary to carry out the duties of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee, as authorized by the Health Omnibus Programs Extension of 1988 (Public Law 100-607), including not to exceed $500 to be expended on the certification of the Chairman of the Biomedical Ethics Board in connection with official representation and reception expenses, and rental of space in the District of Columbia, $1,500,000: *Provided*, That no part of these funds may be obligated or expended until the Biomedical Ethics Board has selected a Chairman and Vice Chairman and all members of the Biomedical Ethics Effective date. 2 USC 142h. Advisory Committee: *Provided further*, That effective October 1, 1988, and to continue thereafter, the Disbursing Officer of the Library of Congress is authorized to—

(1) disburse funds appropriated for the Biomedical Ethics Board;

(2) compute and disburse the basic pay for all personnel of the Biomedical Ethics Board; and

(3) provide financial management services and support to the Biomedical Ethics Board,

in the same manner as provided with respect to the Office of Technology Assessment under section 101(c) of Public Law 97-51 (2 U.S.C. 142f).

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed $2,300 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $19,580,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 2 USC 605. staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, $6,860,000.

TRAVEL

40 USC 166a.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $192,000; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $16,122,000, of which $625,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, $4,331,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $35,320,000, of which $7,800,000 shall remain available until expended: *Provided*, That none of the funds made available herein for improvements to the Senate subway system shall be obligated or expended until a design and financing plan for such system improvements have been approved by the Committee on Appropriations.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $27,875,000, of which $2,465,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Library of Congress Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $25,613,000: *Provided*, That not to exceed $2,300,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1990.

ADMINISTRATIVE PROVISIONS

Public buildings and grounds.
40 USC 166b-6 note.

SEC. 104. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

Records.
Reports.

Gifts and property.

SEC. 105. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.

SEC. 106. (a) The position of Executive Assistant to the Architect of the Capitol is abolished.

(b) The provisions—

(1) under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES", and

(2) of section 303, of H.R. 7593 of the second session of the Ninety-Sixth Congress, as enacted into permanent law by section 101(c) of the Joint Resolution of December 16, 1980 (40 U.S.C. 166b-1), which relate to the salary of the Executive Assistant to the Architect of the Capitol, are repealed.

(c) The third paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3) is amended—

(1) by striking out "three positions" and inserting in lieu thereof "four positions", and

(2) by striking out ", Assistant Architect," and all that follows and inserting in lieu thereof "or Assistant Architect.".

(d) The proviso in the first undesignated paragraph under the center subheadings "Office of the Architect of the Capitol" and "salaries" in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) is amended by striking out ", and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act".

(e) Subsection (b) of section 308 of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(b)) is amended to read as follows:

"(b) The positions referred to in subsection (a) are—

"(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'Office of the Architect of the Capitol' and 'salaries' in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and

"(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings 'Office of the Architect of the Capitol' and 'salaries' in the first section of the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b–3).".

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $46,895,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

2 USC 166 note.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to

Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $77,830,000: *Provided*, That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1990".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

Salaries and Expenses

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,638,000.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress, not otherwise provided for, including $1,033,000 for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives, subject to reauthorization, development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $164,186,000, of which not more than $5,700,000 shall be derived from collections credited to this appropriation during fiscal year 1990 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $5,700,000: *Provided further*, That, of the total amount appropriated,

$6,888,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That, hereafter, the balance remaining from the $11,500,000 appropriation in Public Law 98-396, dated August 22, 1984, shall be used to purchase equipment, supplies and services as needed to deacidify books and other materials from the collections of the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $20,373,000, of which not more than $7,000,000 shall be derived from collections credited to this appropriation during fiscal year 1990 under 17 U.S.C. 708(c), and not more than $1,139,000 shall be derived from collections during fiscal year 1990 under 17 U.S.C. 111(d)(3), 116(c)(1) and 119(b)(2): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $8,139,000: *Provided further*, That $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $37,801,000.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $2,579,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $145,390, of which $46,200 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

Government organization and employees.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

SEC. 204. Not to exceed $2,500 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the annual Library of Congress incentive awards program.

2 USC 142j.

SEC. 205. From and after October 1, 1988, the Library of Congress is authorized to—

(1) disburse funds appropriated for the John C. Stennis Center for Public Service Training and Development;

(2) compute and disburse the basic pay for all personnel of the John C. Stennis Center for Public Service Training and Development;

(3) provide financial management services and support to the John C. Stennis Center for Public Service Training and Development, in the same manner as provided with respect to the Office of Technology Assessment under section 101(c) of Public Law 97-51 (2 U.S.C. 142f); and

(4) collect from the funds appropriated for the John C. Stennis Center for Public Service Training and Development the full costs of providing the services specified in (1), (2), and (3) above, as provided under an agreement for services ordered under 31 U.S.C. 1535 and 1536.

Government organization and employees.
2 USC 142k.

SEC. 206. From and after October 1, 1989, the Librarian of Congress shall take appropriate action to assure that no legislative branch employee whose salary is disbursed by the Library of Congress disbursing office is adversely affected by alternative ways of performing the personnel/payroll processing function.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $7,167,000.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $674,000, of which $573,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(REAPPROPRIATION AND TRANSFERS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $24,500,000, of which $4,312,000 representing excess receipts from the sale of publications and receipts from the sale of land authorized by Public Law 100-458 shall be derived from the Government Printing Office revolving fund, and, of which $3,000,000 in unexpended funds representing excess receipts from the sales of publications that were transferred from the revolving fund in fiscal year 1986, shall be derived from the salaries and expenses appropriation M account: *Provided*, That travel expenses shall not exceed $117,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Contracts.

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further*, That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 5,000 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That notwithstanding the

Real property.
District of
Columbia.

limitations of 5 U.S.C., section 5901(a), as amended, the cost of uniforms furnished or allowances paid for uniforms to each uniformed special policeman appointed under the authority of 44 U.S.C. 317, shall not exceed $400 during the first year in which the employee is required to wear a prescribed uniform: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed $95,000.

Government organization and employees.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

(TRANSFER OF FUNDS)

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); $364,720,000: *Provided*, That an additional amount of not to exceed $5,564,000 is made available without fiscal year limitation from the fund established pursuant to 31 U.S.C. 782 (as added by Public Law 100-545, October 28, 1988): *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the

Hazardous materials.

heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further,* That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental Accounting Standards Board: *Provided further,* That $100,000 of this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the United States General Accounting Office in Washington, D.C., in 1992, to the extent that such expenses cannot be met from the trust authorized below: *Provided further,* That the General Accounting Office is authorized to solicit and accept contributions (including contributions from INTOSAI), to be held in trust, which shall be available without fiscal year limitation for the planning, administration, and such other expenses as the Comptroller General deems necessary to act as the sponsor of the aforementioned triennial Congress of INTOSAI. Monies in the trust not to exceed $10,000 shall be available upon the request of the Comptroller General to be expended for the purposes of the trust.

Gifts and property.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Contracts.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an

Communications and telecommunications.
40 USC 166 note.

overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

Communications and telecommunications.
40 USC 166 note.

SEC. 306. (a) Hereafter, notwithstanding the applicable statutes described in subsection (b), an agency of the legislative branch to which those statutes apply is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100-202 (101 Stat. 1329-308) if such systems and services—

(1) have been acquired competitively; and

(2) have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the procurement conducted by the Administrator of General Services known as "FTS2000".

(b) The applicable statutes described in this subsection are—

(1) section 111 of the Federal Property and Administrative Services Act of 1949; and

(2) the Treasury, Postal Service and General Government Appropriations Act of 1990.

(c) As used in this section, the term "agency of the legislative branch" means the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.

Wages.
40 USC 166b-3a note.

SEC. 307. The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202—

(1) shall be subject to any applicable adjustment during fiscal year 1990 under, or by reference to any applicable adjustment during fiscal year 1990 under, subchapter I of chapter 53 of title 5, United States Code; and

(2) with respect to the position of Assistant Architect of the Capitol, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1990.

SEC. 308. (a) None of the funds appropriated for fiscal year 1990 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement from commercial sources of any printing related to the production of Government publications (including forms), unless such procurement is by or through the Government Printing Office.

(b) Subsection (a) does not apply to (1) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, (2) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (3) printing from commercial sources that is specifically authorized by law or is of a kind that has been routinely procured by or through the Government Printing Office.

(c) As used in this section, the term "printing" means the process of composition, platemaking, presswork, binding, and microform, and the end items of such processes.

SEC. 309. Section 309(a) of title 44, United States Code, is amended by striking out "not to exceed $3,000 in any fiscal year" after "attendance at meetings".

Establishment.
2 USC 130e.

SEC. 310. There is established, as a joint office of Congress, the Special Services Office, which (under the supervision and control of a board, to be known as the Special Services Board, comprised of the Clerk of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, and the Librarian of Congress) shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.

Wages.

SEC. 311. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Government organization and employees.

SEC. 312. Section 6121(1) of title 5, United States Code, is amended by inserting "the Government Printing Office," after "military department,". Also, section 6133(c) of such title is amended by inserting "(1)" after "(c)"; and by adding at the end thereof the following new paragraph: "(2) With respect to employees in the Government Printing Office, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Public Printer.".

Children and youth.

SEC. 313. (a) The first section of House Resolution 21, Ninety-Ninth Congress, agreed to December 11, 1985, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b) is amended by striking out "educationally enriching child care" and all that follows through the end of the section, and inserting in lieu thereof the following: "educationally enriching child care—

"(1) for children of Members, officers, employees, and support personnel of the House of Representatives; and

"(2) if places are available after admission of all children who are eligible under paragraph (1), for children of Senators, children of officers and employees of the Senate, and children of employees of agencies of the legislative branch.".

(b) Section 4 of such resolution, as so enacted (40 U.S.C. 184e), is amended—

(1) in subsection (a), by striking out the second sentence; and

(2) in the first sentence of subsection (b), by striking out "to make the reimbursements required by subsection (a) and"

(c) Section 5 of such resolution, as so enacted (40 U.S.C. 184f), is amended—

(1) in the matter before paragraph (1), by striking out ", the term"; and

(2) by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) the term 'employee of the House of Representatives' means an employee whose pay is disbursed by the Clerk of the House of Representatives;

"(2) the term 'employee of the Senate' means an employee whose pay is disbursed by the Secretary of the Senate;

"(3) the term 'Member' means, with respect to the House of Representatives, a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(4) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

"(5) the term 'support personnel' means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.".

Government organization and employees.
Drugs and drug abuse.

Sec. 314. No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1990, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

2 USC 907 note.

Sec. 315. Effective in the case of this Act and any subsequent Act making appropriations for the Legislative Branch, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, or any other Act which requires a uniform percentage reduction in accounts in this Act and any subsequent Act making appropriations for the Legislative Branch, the accounts under the general heading "Senate", and the accounts under the general heading "House of Representatives", shall each be considered to be one appropriation account and one "program, project, and activity".

Effective dates.
Mail.
39 USC 3210 note.

Sec. 316. (a)(1) Effective January 1, 1990, the total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Senator entitled to mail franked mail may not exceed an amount equal to three multiplied by the number of addresses to which such mail may be delivered in the State from which the Senator was elected (as determined on the basis of the most recent statistics, from the United States Postal Service, available prior to such calendar year). Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Senator in the State from which such Senator was elected shall not count against the limitation set forth in the preceding sentence.

(2) Effective January 1, 1990, the total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title

39, United States Code, during any calendar year by a Member of the House of Representatives entitled to mail franked mail may not exceed an amount equal to three multiplied by the number of addresses to which such mail may be delivered in the area from which the Member was elected (as determined on the basis of the most recent statistics, from the United States Postal Service, available prior to such calendar year). Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which such Member was elected shall not count against the limitation set forth in the preceding sentence.

(b) Effective January 1, 1990, a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senator or a Member of the House of Representatives shall be limited to 2 sheets of paper (or their equivalent), including any enclosure that—

(1) is prepared by or for the Senator or Member who makes the mailing; or

(2) contains information concerning, expresses the views of, or otherwise relates to the Senator or Member who makes the mailing.

(c) Effective October 1, 1989, section 3216 of title 39, United States Code, is amended by striking out "by a lump sum appropriation to the legislative branch" and inserting in lieu thereof "by appropriations for the official mail costs of the Senate and the House of Representatives".

SEC. 317. At the end of section 3216 of title 39, United States Code, add the following new subsection:

Mail. Reports.

"(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Clerk of the House, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

"(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Clerk of the House, the House Commission on Congressional Mailing Standards, the Committee on House Administration, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in subsection (1) of this section for the preceding two quarters together with an estimate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Administration, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in subsection (1) of this section, will not exceed the amounts available for the fiscal year.".

SEC. 318. Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)(i) by striking out "is mailed fewer" and inserting in lieu thereof "is postmarked fewer";

(2) in subparagraph (A)(ii)(II) by striking out "is mailed fewer" and inserting in lieu thereof "is postmarked fewer";

(3) in subparagraph (c) by striking out "is mailed fewer" and inserting in lieu thereof "is postmarked fewer"; and

(4) by adding at the end thereof the following new subparagraph:

Mail.

"(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.".

President of U.S.
40 USC 162-1.

SEC. 319. (a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

Establishment.

(2) There is established a commission to recommend individuals to the President for appointment to the Office of Architect of the Capitol. The Commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,

(C) the majority and minority leaders of the House of Representatives and the Senate, and

(D) the chairmen and the ranking minority members of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

Effective date.

(b) Subsection (a) shall be effective in the case of appointments made to fill vacancies in the Office of Architect of the Capitol which occur on or after the date of the enactment of this Act. If no such vacancy occurs within the six-year period which begins on the date of the enactment of this Act, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a).

2 USC 1108.

SEC. 320. Section 119(a)(7) of Public Law 100-458 is amended to read as follows: "To make other necessary expenditures including official reception and representation expenses.".

Alison Leland.
Shelia A Smith.

SEC. 321. For payment to Alison Leland, widow of Mickey Leland, late a Representative from the State of Texas, $89,500. For payment to Shelia A. Smith, widow of Larkin Smith, late a Representative from the State of Mississippi, $89,500.

This Act may be cited as the "Legislative Branch Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3014:

HOUSE REPORTS: No. 101-179 (Comm. on Appropriations) and No. 101-254 (Comm. of Conference).
SENATE REPORTS: No. 101-106 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
July 31, considered and passed House.
Sept. 6, 7, considered and passed Senate, amended.
Sept. 28, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Nov. 1, 2, 9, Senate agreed to conference report; concurred in House amendments.

Public Law 101-164
101st Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Nov. 21, 1989
[H.R. 3015]

Department of Transportation and Related Agencies Appropriations Act, 1990.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

For necessary expenses of the Immediate Office of the Secretary, $1,090,000.

Immediate Office of the Deputy Secretary

For necessary expenses of the Immediate Office of the Deputy Secretary, $470,000.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $6,120,000.

Office of the Assistant Secretary for Policy and International Affairs

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, $8,250,000.

Office of the Assistant Secretary for Budget and Programs

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $2,325,000, including not to exceed $40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

Office of the Assistant Secretary for Governmental Affairs

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,300,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $24,700,000.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,350,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $835,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $488,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,315,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

For necessary expenses of the Office of Commercial Space Transportation, $725,000.

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, $1,727,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $3,500,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, $6,850,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $137,700,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation; and including, for necessary expenses associated with the development of the Departmental Accounting and Financial Information System, $4,500,000, to remain available until expended.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, $30,735,000, to remain available until expended.

COMMISSION ON AVIATION SECURITY AND TERRORISM

For necessary expenses for the operation and expenses of the Commission on Aviation Security and Terrorism, to remain available until expended, $1,000,000, to implement the Executive Order 12686 of August 4, 1989.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,252,000,000 is authorized to be appropriated, derived by transfer, or otherwise provided in "in kind" commodities and services for Coast Guard operating expenses in fiscal year 1990; of which $1,952,000,000 is hereby appropriated, of which $30,000,000 shall be expended from the Boat Safety Account, notwithstanding any other provision of law, and of which $25,000,000 shall remain available for obligation until September 30, 1991: *Provided*, That of the funds provided for operating expenses for fiscal year 1990, in this or any other Act, not less than $567,000,000 shall be available for drug enforcement activities and not less than $168,467,000 shall be available for environmental protection activities: *Provided further*, That the number of aircraft on hand at any one time shall not exceed two hundred and fourteen, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That none of the funds appropriated under this Act shall be used by the Secretary of Transportation to close any Coast Guard search and rescue stations, or to close or decommission any unit of the United States Coast Guard unless such closure or decommissioning was provided for in the Budget of the United States, and its supporting documentation, and was agreed to by the Congress in this Act, as provided for in its legislative history, including Committee reports. 14 USC 92 note.

Acquisition, Construction, and Improvements

Regulations.
Contracts.
10 USC 2403 note.

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $445,500,000, of which $7,500,000 shall be derived by transfer from "Operating expenses", to remain available until September 30, 1994, of which $132,700,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment; $204,200,000 shall be available to acquire new aircraft and increase aviation capability; $15,900,000 shall be available for command, control and communications and related systems; $71,100,000 shall be available for shore facilities and aids to navigation facilities; and $21,600,000 shall be available for personnel, survey and design, and related costs: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage: *Provided further*, That the unexpended balances of the appropriation "Coast Guard Shore Facilities" shall be transferred to and merged with this appropriation, and remain available for obligation until September 30, 1993.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $2,330,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $420,800,000.

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $72,800,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $20,800,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary to the extent that appropriations are not adequate to meet the obligations of the Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1990 for the "Offshore Oil Pollution Compensation Fund".

DEEPWATER PORT LIABILITY FUND

33 USC 1517a.

The Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary to the extent that available appropriations are not adequate to meet the obligations of the Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $50,000,000 in fiscal year 1990 for the "Deepwater Port Liability Fund".

BOAT SAFETY

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $30,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, purchase of four passenger motor vehicles for replacement only, $3,842,000,000, of which $816,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance of airmen and aircraft certificates, including processing of major repair and alteration forms: *Provided further*, That none of these funds shall be available for new applicants for the second career training program or for a pilot test of contractor maintenance: *Provided further*, That the immediately preceding proviso shall not prohibit the augmentation of the existing field maintenance work force if it is determined to be essential for the safe operation of the air traffic control system: *Provided further*, That the unexpended balances of the appropriation "Federal Aviation Administration, Headquarters Administration" shall be transferred to and merged with this appropriation: *Provided further*, That in the event that the Federal Aviation Administrator employs annuitants subject to section 8344(h) of title V, United States Code, not to exceed $10,000,000, to be derived from the unobligated balance of any appropriation available for obligation by the Federal Aviation Administration as of the effective date of this Act, shall be available through December 31, 1990, for the purpose of funding such employment: *Provided further*, That any such funding shall be reported to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That, of the funds available under this head, $3,400,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program.

Reports.

Contracts.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the lease or purchase of one aircraft from funds available under this head, or prior year funds available under this head, or a combination thereof; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1994, $1,746,487,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That none of the funds under this head shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges for any capital project the Federal share of which is in excess of 50 per centum of the total cost of such project.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $173,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development: *Provided further,* That of the funds available under this head, $1,000,000, to remain available until expended, is appropriated and shall be available for grants under the Federal Grant and Cooperative Agreement Act of 1977 to the National Aviation Institute, Pleasantville, New Jersey, to fund research and development in the area of facilitating research by cataloguing and prioritizing aviation related research efforts and providing a central clearinghouse for aviation research.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $1,190,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of $1,500,000,000 in fiscal year 1990 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended: *Provided further,* That, of the amount available for obligation under this head, $100,000,000 shall be made available, in addition to amounts otherwise provided by law, for the planning and execution of programs under section 507(c)(2) of the Airport and Airway Improvement Act of 1982, as amended.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

49 USC app. 1324 note.

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of $10,000,000 during fiscal year 1990. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purpose for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed $234,000,000 shall be paid in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $41,080,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act of 1964, as amended, $5,000,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account).

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

For necessary expenses in carrying out the provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $6,080,000.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $9,405,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $9,405,000 in fiscal year 1990 for "Highway-related safety grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $15,000,000, of which $10,000,000 shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $12,260,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1990. 23 USC 104 note.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $13,660,000,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1990 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000, together with an amount not to exceed the amount of 1989 obligations recovered.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $33,690,000, of which $2,782,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, $52,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,200,000 for "Motor carrier safety grants".

Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only development grants under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1990 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved.

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, $12,000,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $10,000,000, to be derived from the Highway Trust Fund.

HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, $12,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, as authorized by Public Law 99-500 and Public Law 99-591, $11,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, $9,500,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY WIDENING DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, $2,000,000, to remain available until expended.

BRIDGE IMPROVEMENT DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Jacksonville, Florida, for the purpose of demonstrating methods of reducing traffic congestion and improving efficiency in the trans-shipment of military and civilian cargo by construction of a bridge to Blount Island, widening State Highway

105 (Heckscher Drive) and constructing an interchange at the intersection of Heckscher Drive and the new Blount Island Bridge, $4,000,000, to remain available until expended.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $5,000,000, to remain available until expended.

CLIMBING LANE SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $2,500,000, to remain available until expended.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for the construction of an improved route between Wabash and Huntington, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, $2,400,000, to remain available until expended.

OKLAHOMA HIGHWAY WIDENING DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to widen Oklahoma State Route 53 from Interstate Highway 35 east to the entrance of the Ardmore Regional Industrial Airpark for the purpose of demonstrating methods of improved highway and highway safety construction, $2,500,000, to remain available until expended.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $8,300,000, to remain available until expended.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $5,000,000, to remain available until expended.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between Interstate Route 495 and U.S. Route 50 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $4,650,000, to remain available until expended.

URBAN HIGHWAY CORRIDOR DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan, $4,500,000, to remain available until expended, for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system: *Provided*, That of the funds available under this head, $3,000,000 shall be available for a bicycle transportation demonstration project in Macomb County, Michigan.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $5,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

EBENSBURG BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to construct the Ebensburg, Pennsylvania bypass as authorized by Public Law 100-17, $13,740,000, to remain available until expended.

HIGHWAY DEMONSTRATION PROJECTS—PRELIMINARY ENGINEERING

For 80 percent of the expenses necessary to carry out preliminary engineering, environmental studies, and right-of-way acquisition for certain highway projects that demonstrate methods of improving safety, reducing congestion, or promoting economic development, $5,800,000, to remain available until expended.

CORRIDOR SAFETY IMPROVEMENT PROJECT

(HIGHWAY TRUST FUND)

For the purpose of carrying out a demonstration of methods of improving vehicular and pedestrian safety on roads on the Federal-aid primary and Federal-aid secondary systems, involving Route 1 in New Jersey, there is hereby appropriated $17,300,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

BRIDGE CAPACITY IMPROVEMENTS

(HIGHWAY TRUST FUND)

For the purpose of carrying out the Nashua River Bridge and Broad Street Parkway project in Nashua, New Hampshire, that crosses the Nashua River, there is hereby appropriated $4,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORRIDOR H IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor H segment of the Appalachian Highway System, there is hereby appropriated $32,000,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

ROAD EXTENSION DEMONSTRATION

For the purpose of carrying out a demonstration of economic growth and development benefits of four lane bypasses of cities, there is hereby appropriated $11,000,000, to remain available until expended, for the acquisition of rights-of-way and other costs incurred in the upgrading and construction of a portion of a four-lane facility bypassing the cities of Pella, Iowa, and Oskaloosa, Iowa, on Highway 163: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

DES MOINES INNER LOOP DEMONSTRATION PROJECT

For the purpose of demonstrating the benefits of improved access for the revitalization of an underdeveloped portion of a central city, there is hereby appropriated $2,800,000 to remain available until expended, for design, engineering, acquisition of rights-of-way and construction and realignment of roads from I-235 and Harding Road to Fleur Drive at the Des Moines Water Works in Des Moines, Iowa: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORRIDOR G IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $10,000,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of carrying out a demonstration of traffic safety and flow improvement, there is hereby appropriated $20,000,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

SPRING MOUNTAIN DEMONSTRATION PROJECT

For the purpose of carrying out a demonstration project to improve Interstate 15 Spring Mountain interchange in Las Vegas, Nevada, for the purpose of demonstrating construction and reconstruction techniques available for replacement of a major intersection on a heavily utilized, urban transportation route, there is hereby appropriated $2,200,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

MANHATTAN BRIDGE REPLACEMENT DEMONSTRATION PROJECT

For the purpose of carrying out a demonstration project to replace the Kansas River Bridge in Manhattan, Kansas, there is hereby appropriated $3,210,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

JUNCTION CITY HIGHWAY IMPROVEMENT DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project in Junction City, Kansas, for the purpose of demonstrating the value of adding acceleration and deceleration lanes along two exits of U.S. Route 77, there is hereby appropriated $400,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $74,550,000, of which $37,486,000 shall remain available until expended.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, $32,300,000, to remain available until expended: *Provided*, That, of the funds available under this head, $2,000,000 shall be available for light truck and van safety research and analysis.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, $132,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $115,000,000 in fiscal year 1990 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $11,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed $4,900,000 shall be available for administering the provisions of 23 U.S.C. 402: *Provided further*, That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1990.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,589,000, of which $1,425,000 shall remain available until expended, and of which $500,000 shall be available for grants for up to 50 per centum of the cost of contractual support needed for private sector interstate high-speed rail projects, and for the Federal Railroad Administration to engage in studies relating to safety provisions of super-high-speed magnetic levitation systems: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary, for payment on the first deed of trust, may be advanced by the Administrator from unobligated balances available to the Federal Railroad

Public buildings and grounds.
Railroads.
40 USC 817 note.

Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL SERVICE ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $7,000,000, to remain available until expended: *Provided,* That notwithstanding any provision of sections 5(f) through 5(p) of said Act, from such funds $36,000 shall be reserved for each eligible State for the purposes of either section 5(i) or section 5(h) of said Act, provided that timely application is made in accordance with procedures employed by the Secretary, and the balance of such funds are reserved for use only under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of said Act: *Provided further,* That no State may apply for fiscal year 1990 funds under section 5 of said Act until such State has obligated all funds granted to it under said section 5 in previous fiscal years.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $31,900,000, of which $1,175,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $9,600,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $24,800,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, $615,000,000, of which $530,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $85,000,000 shall be available for capital improvements. Funds made available for operating losses and for labor protection costs which remain unobligated as of September 30, 1990, may be available for capital improvements: *Provided,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1990: *Provided further,* That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriations Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further,* That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further,* That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further,* That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short-term avoidable costs of operating such service in the second year of operation and 100 per centum of the short-term avoidable operating costs for each year thereafter: *Provided further,* That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

RAILROAD REHABILITATION AND IMPROVEMENT

FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That no new loan guarantee commitments shall be made during fiscal year 1990: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Transportation shall sell securities or promissory notes with a principal value of at least $50,000,000 that are held by the Department of Transportation under authority of sections 502, 505-507, 509, and 511-513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, by no later than September 30, 1990: *Provided further,* That such securities or promissory notes authorized to be sold in the immediately preceding proviso shall be sold only for amounts greater than or equal to the net present value to the Government of each loan as determined by the Secretary of Transportation in consultation with the Secretary of the Treasury: *Provided further,* That the Secretary of Transportation shall transmit a written cer-

Securities.

tification to the Committees on Appropriations of the Senate and House of Representatives before the consummation of each sale certifying that the amount to be realized is equal to or greater than the net present value to the Government of each loan: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

Securities.

Regional Rail Reorganization Program

For the settlement of promissory notes pursuant to section 210 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $94,932,979, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.

Conrail Commuter Transition Assistance

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $5,000,000, to remain available until expended.

Amtrak Corridor Improvement Loans

Illinois.

The Secretary is authorized to provide $3,500,000 in loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet, Illinois and Granite City, Illinois: *Provided*, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further*, That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further*, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois.

Securities.

URBAN MASS TRANSPORTATION ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $31,809,000: *Provided*, That none of the funds provided in this Act shall be used to implement or enforce the April 25, 1989, Notice of Proposed Rulemaking, "Major Capital Investment Projects".

Research, Training, and Human Resources

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $10,000,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

Formula Grants

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), $1,625,000,000, together with $5,000,000 to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended, to remain available until expended: *Provided*, That notwithstanding any other provision of law, of the funds provided under this head for formula grants, no more than $804,691,892 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended: *Provided further*, That notwithstanding any other provision of law, before apportionment of these funds, $16,554,033 shall be made available for the purposes of section 18 of the Urban Mass Transportation Act of 1964, as amended.

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of $1,140,000,000 in fiscal year 1990 for grants under the contract authority authorized in section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

Mass Transit Capital Fund

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, $900,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

Interstate Transfer Grants—Transit

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $160,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, $85,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Contracts.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, $17,373,000, of which $1,645,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for aviation information management.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, $10,325,000, to be derived from the Pipeline Safety Fund, of which $5,250,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $32,100,000.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Salaries and Expenses

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $1,950,000.

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $27,600,000, of which not to exceed $500 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

Salaries and Expenses

49 USC 10344 note.

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $1,500 for official reception and representation expenses, $44,450,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

Payments for Directed Rail Service

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

Panama Canal Revolving Fund

For administrative expenses of the Panama Canal Commission, including not to exceed $10,000 for official reception and representation expenses of the Board; not to exceed $4,000 for official reception and representation expenses of the Secretary; and not to exceed $25,000 for official reception and representation expenses of the Administrator, $49,842,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of $452,005,000 in fiscal year 1990: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-eight passenger motor vehicles, of which forty-five are for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed $15,000 per vehicle).

DEPARTMENT OF THE TREASURY

Rebate of Saint Lawrence Seaway Tolls

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,050,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $250,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Interest Payments

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

Sec. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

Sec. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

20 USC 241 note.

Sec. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

Sec. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

Sec. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

Sec. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations unless expressly so provided herein.

Sec. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center.

Contracts.

Sec. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing executive order issued pursuant to existing law.

State and local governments.
23 USC 104 note.

Sec. 310. (a) For fiscal year 1990 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1989, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1990, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United

States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1990 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1990 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1990, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1990, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1990 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1990, has the amount distributed to such State under paragraph (a) for fiscal year 1990 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

SEC. 312. Not to exceed $1,400,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended.

49 USC app. 1617 note.

SEC. 314. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

SEC. 315. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 316. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Federal Register, publication. Grants.

SEC. 317. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 318. None of the funds appropriated in this Act may be used to prescribe, implement, or enforce a national policy specifying that only a single type of visual glideslope indicator can be funded under the facilities and equipment account or through the airport improvement program: *Provided*, That this prohibition shall not apply in the case of airports that are certified under part 139 of the Federal Aviation Regulations.

SEC. 319. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, or research, and related costs thereof including necessary capital expenses, are available for such purposes to be conducted through contracts or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

SEC. 320. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

Real property.

SEC. 321. (a) Within 30 days after the date of enactment of this Act, the United States, acting through a duly authorized official, shall convey to the Saint Lawrence Seaway Development Corporation without consideration, all right, title, and interest of the United States, in the real property described in subsection (b) (and any improvements thereon) for the purposes of emergency response and any other purposes as the Administrator of the Corporation deems necessary.

New York.

(b) The real property referred to in subsection (a) is that property (formerly known as the Cape Vincent Coast Guard Station, Village of Cape Vincent, Jefferson County, New York), which is described as follows: beginning at an iron pipe (meander corner) set in the shoreline of the Saint Lawrence River at the Northwest corner of the land either now or formerly of the Roat Estate Property also being at the Northeast corner of the former Arney parcel (Liber 453, page 402, recorded 8/21/45); thence running south 4° 13′ 48″ West a distance of 146.09 feet to a concrete monument set at the most Westerly Corner of the Roat Estate land; thence running South 39° 26′ West a distance of 112.05 feet to a concrete monument; thence running South 69° 17′ West a distance of 145 feet to an iron pin; thence running North 24° 58′ West a distance of 95 feet to an iron pin; thence running North 68° 47′ 12″ East a distance of 116.13 feet to a 2 inch pipe; thence running North 3° 07′ 18″ East a distance of 166.09 feet to the most westerly corner of a steel piling wharf on the shoreline of the St. Lawrence River; thence running a meandering line South 87° 20′ 24″ East a distance of 99.07 feet along the shore of the St. Lawrence River to the most easterly corner of a steel sheet piling wharf on the shoreline of the St. Lawrence River; thence running a meandering line South 81° 56′ 37″ East a distance of 41.8 feet along the shore of the St. Lawrence River to the point of beginning. Containing 0.912 acres of land more or less.

West Virginia.

Sec. 322. Notwithstanding any other provision of law, section 144(g)(2) of title 23, United States Code, shall not apply to the Virginia Street Bridge in Charleston, West Virginia.

Hawaii.

Sec. 323. Notwithstanding section 106, subsection (a)(3)(B) of Public Law 100-223, the Airport and Airway Safety and Capacity Expansion Act of 1987, funds apportioned under such section for airports in the State of Hawaii may be made available by the Secretary for primary airports and airports described in section 508(d)(3) in such State.

Government organization and employees.
49 USC app. 1348 note.

Sec. 324. (a) The Federal Aviation Administration shall satisfy the following air traffic controller work force staffing requirements by September 30, 1990:

(1) total air traffic controller work force level of not less than 17,495;

(2) total full performance level air traffic controllers of not less than 12,725; and

(3) at least 70 percent of the air traffic controller work force, at each center and level 3 and above terminal shall have achieved operational controller status.

(b) The Secretary may waive any requirement of this section by certifying that such requirement would adversely affect aviation safety: *Provided*, That such a waiver shall become effective 30 days after the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirement.

Sec. 325. (a) Essential Air Service Compensation.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

Reports.

(b) Use of Deadly Force.—The Secretary shall report to the Committees on Appropriations and the Committees on the Judiciary of the Senate and House of Representatives, to the Senate International Narcotics Control Caucus, and to the Select Committee on Narcotics Abuse and Control of the House of Representatives on:

(1) All current provisions of law and regulation permitting the use of deadly force during time of peace by United States Coast Guard personnel in the performance of their official duties—

(A) within the territorial land, sea, and air of the United States, its territories and possessions; and

(B) outside the territorial land, sea, and air of the United States, its territories and possessions.

(2) Changes, if any that may be necessary to existing law, regulations, treaty, or executive agreements to permit United States Coast Guard personnel to employ deadly force under the following circumstances—

(A) to bring down a suspected drug smuggling aircraft which has refused or ignored instructions to land at a specified airfield for customs inspection after penetrating the territorial airspace of the United States;

(B) to halt a suspected drug smuggling vessel on the sea which has been ordered to heave to for inspection by a United States vessel or aircraft and has ignored or refused to obey the order;

(C) and to halt a suspected drug smuggler who has crossed the land border of the United States illegally and who has refused to obey or ignored an order to stop for customs inspection.

(3) The required report shall be submitted not later than ninety days after the enactment into law of this Act. The required report may be submitted in both classified and unclassified versions.

49 USC app. 2212 note.

SEC. 326. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 327. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

Wages.
Government organization and employees.

SEC. 328. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

101 Stat. 181.

SEC. 329. (a) VILLAGE OF ALSIP, ILLINOIS.—Section 149(a)(30)(D) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended—

(1) by striking out the heading "CALUMET PARK" and inserting in lieu thereof "VILLAGE OF ALSIP"; and

(2) by striking out all that follows after "reconstruction" and inserting in lieu thereof "of 127th Street between Illinois Route 83 and Kostner Avenue in Alsip, Illinois.".

(b) Wyoming State Highway Rest Area.—Notwithstanding section 16 of the Federal Airport Act of 1946 or any other provision of law, the United States hereby releases the right of reversion of the United States on 7.8 acres of land at the South Big Horn Country Airport in Wyoming proposed to be transferred to the Wyoming State Highway Department provided such land is used for a highway rest area.

Sec. 330. (a) Vessel Traffic Safety Fairway.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

Hawaii.
Real property.

(b) Honolulu International Airport.—Notwithstanding section 23 of the Airport and Airway Expansion Act of 1970 (as in effect on November 29, 1976), or any other provision of law, including obligations arising under grant agreements issued pursuant to the Airport and Airway Improvement Act of 1982, as amended, or implementing regulations, the Administrator of the Federal Aviation Administration is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (63 Stat. 700; 50 U.S.C. App. 1622c), and the provisions of paragraph (2) of this subsection, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance, dated November 29, 1976, under which the United States conveyed certain property to the State of Hawaii for airport purposes.

Any release granted by the Administrator pursuant to this subsection shall be subject to the following conditions:

(A) The property for which a release is granted under this subsection shall not exceed 4,550.2 acres of submerged lands known as Keehi Lagoon as described in the quitclaim deed, dated November 29, 1976.

(B) The property for which a release is granted shall not include submerged lands within an area 1,000 feet perpendicular to either side of the centerline of Runway 26L, extending 2,000 feet from the end of Runway 26L at the Honolulu International Airport.

(C) The use of property to which such release applies shall not impede or interface with the safety of flight operations or otherwise derogate approach and clear zone protection at the Honolulu International Airport.

(D) Any subsequent release or authorization for use of the property for other than airport purposes shall contain the right to overfly the property and the right to make noise.

49 USC app.
2205 note.

Sec. 331. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment), the purchase of which was assisted by an airport improvement program grant. The Federal Aviation Administration shall accept such equipment and it shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

Sec. 332. Section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1989 is hereby repealed. 102 Stat. 2151.

California.
Highways.

Sec. 333. Notwithstanding any other provision of law, the Secretary shall reimburse the State of California for the Federal share of the fair market value of right of way incorporated into one or more of the following projects and conveyed to the State by the City of Irvine, the City of Tustin, and/or the County of Orange for the construction of the Barranca Parkway/State Route 133 interchange, the Tustin Ranch Road/Interstate Route 5 interchange, the Bake Parkway/Interstate Route 5 interchange, and the improvements to the confluence of Interstate Route 5 and Interstate Route 405 in Orange County, California, upon application by the State of California for reimbursement. The fair market value of the right of way shall be established as determined by the Secretary of Transportation in accordance with regulations and statutes governing the acquisition of rights of way for projects on the Federal Aid Primary and Interstate System.

Sec. 334. (a) Intermodal Urban Demonstration Project.—Funds appropriated in this Act for "Intermodal Urban Demonstration Project" shall remain available until expended.

102 Stat. 2154.
Safety.

(b) UMTA Commuter Rail Service.—Section 337 of Public Law 100-457 is amended to read as follows:

"Notwithstanding any other provision of law, when a commuter rail service has been suspended for safety reasons, and when a statewide or regional agency or instrumentality commits to restoring such service by the end of 1989, and when the improvements needed to restore such service are funded without Urban Mass Transportation Administration funding, the directional route miles of such service shall be included for the purpose of calculating the fiscal year 1990 section 9 apportionment, as well as the apportionment for subsequent years. If such service is not restored by the end of 1989, the money received as a result of the inclusion of the directional route miles shall be returned to the disbursing agency, the Urban Mass Transportation Administration.".

Urban areas.
49 USC app.
1607a note.

(c) Statewide Operating Assistance.—Section 9(2)(A).—In any case in which a statewide agency or instrumentality is responsible under State laws for the financing, construction and operation, directly by lease, contract or otherwise, of public transportation services, and when such statewide agency or instrumentality is the designated recipient of UMTA funds, and when the statewide agency or instrumentality provides service among two or more urbanized areas, the statewide agency or instrumentality shall be allowed to apply for operating assistance up to the combined total permissible amount of all urbanized areas in which it provides service, regardless of whether the amount for any particular urbanized area is exceeded. In doing so, UMTA shall not reduce the amount of operating assistance allowed for any other State, or local transit agency or instrumentality within the urbanized areas affected. This provision shall take effect with the fiscal year 1990 section 9 apportionment.

Effective date.

Sec. 335. Permanent Prohibition Against Smoking on Scheduled Airline Flights.—Section 404(d)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1374(d)(1)) is amended by deleting in subparagraph (A) of section 404(d)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1374(d)(1)(A)) all after the words "any scheduled airline flight" and inserting in lieu thereof the following: "segment in air transportation or intrastate air transportation, which is—

(i) between any two points within Puerto Rico, the United States, Virgin Islands, the Distict of Columbia, or any State of the United States (other than Alaska and Hawaii), or between any point in any one of the aforesaid jurisdictions (other than

Alaska and Hawaii) and any point in any other of such jurisdictions;

Alaska.
Hawaii.

(ii) within the State of Alaska or within the State of Hawaii; or

Effective date.

(iii) scheduled for 6 hours or less in duration, and between any point described in clause (i) and any point in Alaska or Hawaii, or between any point in Alaska and any point in Hawaii.", to take effect upon the commencement of the 96th day following the date of enactment of this Act, and by striking subparagraph (C).

Michigan.
Highways.

SEC. 336. The segment of Michigan Highway 59 beginning at the intersection of such highway with Michigan Highway 53 in the vicinity of Utica and ending at the intersection of such highway with Gratiot Avenue in the vicinity of Mount Clemens shall be known and designated as the "James G. O'Hara Memorial Highway", and any reference in a law, map, regulation, document, record, or other paper of the United States to such segment shall be deemed to be a reference to the "James G. O'Hara Memorial Highway".

SEC. 337. Notwithstanding any other provision of law, not to exceed one-fourth of 1 per centum of funds apportioned in fiscal year 1990 or 1991 to a State under sections 104(b), 130, 144, and 152 of title 23, United States Code, shall be available to carry out section 140(b) of title 23, United States Code, upon a request by the State highway department.

101 Stat. 181.

SEC. 338. Notwithstanding any other provision of law, section 149(a)(14)(B) of Public Law 100-17 is amended by striking "at least".

Safety.
New York.
Railroads.
New Jersey.

SEC. 339. The Secretary shall conduct a thorough independent safety review of the New York Metropolitan Transportation Authority, including the New York City Transit Authority, the Long Island Railroad and Metro-North commuter railroads, using available funds or funds withheld from formula money allocated to the New York portion of the New York-Northeast New Jersey urbanized area. The Secretary shall submit a comprehensive plan, within thirty days after the date of enactment of this Act, for conducting such an investigation, including the cost and scope of the investigation and an expeditious schedule for completion of such an investigation.

49 USC app. 1619.

SEC. 340. The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609 et seq.), is amended by adding at the end of section 23 the following new subsection:

"(h) SAFETY, FINANCIAL AND PROCUREMENT COMPLIANCE REVIEWS.—In addition to the purposes provided for under subsection (a), the funds made available under subsections (a) (1) through (5) may be used by the Secretary to contract with any person to provide safety, procurement, management and financial compliance reviews, and audits of any recipient of funds under any such subsection. Any contract entered into under this subsection shall not be subject to the requirements of subsection (d), (e), (f), or (g).".

SEC. 341. The Department of Transportation shall study the effect on consumers of State regulation of the rates, routes, and services of the express package industry and make recommendations to Congress.

Contracts.
Railroads.
Idaho.

SEC. 342. Notwithstanding any other provision of law, any lease agreement entered into between Union Pacific Railroad Company and School District numbered 25, Bannock County, State of Idaho, for purposes of providing recreational and athletic facilities, shall be deemed consistent with purposes identified in 22 Stat. 148 and shall not be considered an abandonment of that property by Union Pacific Railroad Company.

Uniformed services. Environmental protection.

SEC. 343. Notwithstanding any other provision of law, funds available to the Coast Guard under the head "Operating Expenses" in this Act shall be available for expenses incurred in fiscal year 1990 by the Coast Guard in responding to any oilspill.

SEC. 344. Before making the allocation of sums authorized to be appropriated for fiscal year 1990 for public lands highways, the Secretary of Transportation shall set aside $2,000,000 for the Chief Joseph Scenic Highway in the State of Wyoming, to be available until expended.

Reports.

SEC. 345. Of the funds made available to the Federal Railroad Administration under the head "Railroad Research and Development", $500,000 shall be available to identify suitable toilet and waste retention technologies that do not discharge onto tracks to be included as part of future year passenger car acquisitions. The Federal Railroad Administration shall report its findings to the appropriate committees within nine months after passage of this Act.

SEC. 346. Notwithstanding any other provision of this Act or any other law, funds appropriated or made available by this Act or any other Act, for purposes of section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)), may also be expended for soundproofing of private schools in a noise impact area surrounding an airport which, on the date of the enactment of this Act, has submitted a noise abatement plan pursuant to Federal Aviation Regulation 150 but such plan has not, as of such date, been acted on by the Secretary of Transportation. The expenditure of such funds pursuant to this section shall be at the discretion of the Secretary of Transportation, and in accordance with regulatory requirements applicable to soundproofing of public schools under section 104(c).

SEC. 347. Not more than $14,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Transportation.

50TH ANNIVERSARY OF THE ALASKA HIGHWAY

SEC. 348. (a)(1) Since 1992 marks the 50th anniversary of the construction of the Alaska Highway, the first and only road link between Alaska and the contiguous United States;

(2) Since the construction of the Alaska Highway across Canada was an enormous feat of engineering, accomplished in less than a year;

(3) Since the Alaska Highway played a key part in the progression of Alaska from a territory to a State;

(4) Since Project 92, the celebration of the 50th anniversary of the Alaska Highway in 1992, is to be a major international event involving the United States, Alaska and Canada; and

(5) Since Project 92 is designed to recognize the historical significance and heritage of the Alaska Highway and its contribution to the development of Alaska and Canada: Now, therefore, be it

(b) Declared that it is the sense of the Senate that the U.S. Department of Transportation should join with the State of Alaska and the Great Alaska Highways Society in planning the celebration of the 50th anniversary of the Alaska Highway as well as appropriate improvements of the Highway.

TITLE IV—EMERGENCY DRUG FUNDING

CHAPTER I

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $10,261,000 to enhance drug and criminal law enforcement efforts with special emphasis on improving drug law enforcement efforts among the various Justice Department agencies and on expedited deportation proceedings of convicted criminal aliens.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $41,476,000, to remain available until expended, to improve the effectiveness of the Department's legal activities, to improve coordination between law enforcement programs in this country and other countries, to improve efforts in extradition of drug cartel kingpins and to improve Criminal Division efforts in Federal/State task forces.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

To continue efforts begun in fiscal year 1989 to improve the ability of the United States Attorneys to prosecute drug and other crime related offenses, $80,699,000, for new assistant United States Attorneys, for annualization of new attorney positions funded in fiscal year 1989, and for automation enhancements necessary to provide productivity and case management in the various United States Attorneys offices.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $23,819,000 to improve the ability of the United States Marshals Service to pursue and apprehend alleged major drug and organized crime figures, and to improve the security required for anti-drug and organized crime judicial proceedings.

SUPPORT OF UNITED STATES PRISONERS

To fight the war on drugs, $23,000,000, to remain available until expended for enhancing the availability of jail space for unsentenced Federal prisoners in the custody of the United States Marshals Service; of which not to exceed $10,000,000 shall be available under the Cooperative Agreement Program to obtain guaranteed housing for Federal prisoners in State and local detention facilities.

ASSETS FORFEITURE FUND

To fight the war on drugs, $25,000,000 for awards for information in drug cases, purchase of evidence for drug violations, equipping conveyances for drug law enforcement, and other expenses as authorized by 28 U.S.C. 524(c)(1) (A)(ii), (B), (C), (F) and (G), as amended, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For carrying out efforts at National Drug Control $46,361,000 to strengthen the ability of the Federal Government to attack drug cartels and other organized crime groups through the eleven cooperating Federal agencies which participate in the organized crime drug enforcement task forces.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control, $97,045,000, to strengthen Federal domestic law enforcement at the local level to include additional agents, support personnel and equipment, improvements in automation and telecommunications, and enhancements in field equipment and training.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control, $64,301,000, for additional agents, support personnel and equipment for improved domestic drug law enforcement; for expanded cleanup and disposal of toxic chemicals from clandestine laboratories; to expand State and local task forces; to complete the nationwide placement of asset removal teams; and to improve intelligence programs.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $16,891,000, for additional Border Patrol agents to improve drug interdiction efforts and for additional investigators and other staff needed to increase the apprehension and detention of criminal aliens.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $54,923,000, for additional staff to activate new prisons, to improve staffing at existing institutions, and to fund additional support costs associated with the projected increases in Federal prison populations.

BUILDINGS AND FACILITIES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $1,000,000,000, to remain available until expended, for acquisition and construction of new Federal prison facilities in order to handle the projected growth in prisoner populations resulting from the increased number of drug-related convictions.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

To fight the war on drugs, $308,821,000, to remain available until expended; of which $300,000,000 is for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for State and local agencies to improve efforts in street-level and community-based drug law enforcement efforts; and of which $8,821,000 is for the Juvenile Justice and Delinquency Prevention Program in order to improve programs for the prevention, intervention and treatment of juvenile crime, especially where it relates to youth gangs and drugs.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $59,550,000 for additional clerks office personnel, probation and pretrial services personnel, magistrates and related support personnel, and drug aftercare treatment services necessary to handle the growth in drug and crime related caseloads in the Federal courts.

DEFENDER SERVICES

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $41,373,000, to remain available until expended, for the increased expenses associated with Federal public defender and community defender organizations and private panel attorneys necessary to handle the growing drug and crime related caseload of the Federal courts.

FEES OF JURORS AND COMMISSIONERS

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $4,000,000, to remain available until expended, for the increased cost of grand and petit juries resulting from the growth in the drug and crime related caseload of the Federal courts.

COURT SECURITY

For carrying out efforts at National Drug Control and the President's initiative to combat violent crime, $15,400,000, to provide for expanded security and protective services for the Federal courts to handle the increase in drug and crime related judicial proceedings which require a higher level of security.

RELATED AGENCY

State Justice Institute

SALARIES AND EXPENSES

For carrying out the provisions of section 7321 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), $4,020,000, to remain available until expended, to allow the State Justice Institute tc expand its programs to assist States in improving their court systems to allow them to handle the growing drug and crime related caseload.

CHAPTER II

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CONSTRUCTION

To fight the war on drugs, $4,000,000, to remain available until expended, for the provision of additional emergency shelters for Indian youth and for the construction of juvenile detention facilities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

INDIAN HEALTH SERVICES

To fight the war on drugs, $7,250,000, for the Indian Health Service to increase after care services and provide for family outpatient care, expand community education and training efforts with a focus on prevention and training of program staff, expand alcoholism and drug abuse prevention efforts for adolescents through urban Indian health programs, and provide contract health services for substance abuse treatment and rehabilitation of Indian youth and their families.

INDIAN HEALTH FACILITIES

To fight the war on drugs, $1,500,000, to remain available until expended, to allow the Indian Health Service to complete the construction or renovation of facilities to provide detoxification and rehabilitation services in youth regional treatment centers.

CHAPTER III

DEPARTMENT OF LABOR

Departmental Management

SALARIES AND EXPENSES

For an additional amount for substance abuse employee assistance programs in the workplace, $2,000,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out activities to fight the war on drugs including substance abuse research, treatment, and prevention, $727,000,000: *Provided,* That of this amount, $415,000,000 shall be provided for block grants to States under title XIX of the Public Health Service Act to be used exclusively for substance abuse activities and shall remain available for obligation by the States until March 31, 1991, and such obligated funds shall remain available for expenditure by the States until March 31, 1992: *Provided further,* That of this amount, $40,000,000 shall be available for treatment waiting period reduction grants, if authorized in law.

Family Support Administration

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for anti-drug abuse activities under the Community Services Block Grant Act, $2,000,000.

Assistant Secretary for Human Development Services

HUMAN DEVELOPMENT SERVICES

To fight the war on drugs by providing assistance to runaway and homeless youth, by providing drug prevention activities related to youth gangs, and by providing temporary child care, crisis nurseries and abandoned infants assistance to children impacted by drugs, $23,750,000.

DEPARTMENT OF EDUCATION

School Improvement Programs

(INCLUDING TRANSFER OF FUNDS)

To ensure a drug free learning environment for American students by carrying out the Drug-Free Schools and Communities Act of 1986, as amended, part F of title IV of the Elementary and Secondary Education Act, as amended, and the Department of Education Organization Act, $183,500,000: *Provided,* That of this amount $170,000,000 shall be for State grants under part B, which shall become available on July 1, 1990 and remain available until September 30, 1991; $2,000,000 shall be for innovative alcohol abuse programs under section 4607; $7,500,000 shall be for teacher training under part C; $2,000,000 shall be for national programs under part D; and $2,000,000 shall be transferred to "Departmental Management, Program Administration" for administrative costs: *Provided further,* That of the amounts available for part B, not less than $25,000,000 shall be for section 5121(a) for urban and rural emergency grants: *Provided further,* That funds available under the "Department of Education Appropriations Act, 1990" for "Rehabilitation Services and Handicapped Research" shall also be available for activities under title II of Public Law 100-407; funds available for "School Improvement Programs" shall also be avail-

best copy available

able for activities under title IX of the Education for Economic Security Act, as amended; and funds available for "Student Financial Assistance" shall be administered without regard to section 411F(1) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and the term "annual adjusted family income" shall, under special circumstances prescribed by the Secretary of Education, mean the sum received in the first calendar year of the award year from the sources described in that section.

RELATED AGENCY

ACTION

OPERATING EXPENSES

For an additional amount for substance abuse prevention and education activities under part C of title I of the Domestic Volunteer Service Act of 1973 as amended, $1,500,000, of which not more than $150,000 may be used for administrative expenses.

CHAPTER IV

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

To fight the war against armed career criminals, an additional amount of $10,000,000 for the hiring, training and equipping of additional agents and inspectors to enhance the arrest and conviction of armed career criminals who violate Federal firearms statutes.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

To fight the war on drugs, an additional amount of $18,000,000, of which $15,000,000 shall be available to undertake investigations to counter drug-related money laundering or other law enforcement activities, and of which $3,000,000 shall be available to increase the air interdiction program staffing level to 960 permanent full-time equivalent positions: *Provided*, That none of the additional funds shall be made available for the establishment of the Financial Crimes Enforcement Network without the advance approval of the House and Senate Committees on Appropriations.

OPERATIONS AND MAINTENANCE, AIR INTERDICTION PROGRAM

To fight the war on drugs, an additional $35,800,000, to remain available until expended, for the procurement of interceptor and support aircraft, and to provide for the operation and maintenance expenses of these assets to more effectively interdict the illegal importation of drugs into the United States.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

To fight the war on drugs, an additional amount of $5,000,000, to be derived from deposits in the Fund, for authorized law enforcement purposes.

INTERNAL REVENUE SERVICE

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

To fight the war on drugs, an additional amount of $5,000,000 for criminal investigative activities to support a vigilant enforcement of Federal tax law violations and money laundering related to illegal narcotics activity.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

To fight the war on drugs, an additional amount of $25,000,000 for drug control activities related to the designation of high intensity drug trafficking areas: *Provided*, That from within available funds, the Office of National Drug Control Policy, in conjunction with other departments and agencies, shall undertake assessments of program effectiveness of all federally funded anti-drug programs for the purposes of determining their impact in reducing the illegal drug problem, including their impact on the production, importation, cost, availability, and use of drugs, as well as on the successful treatment and rehabilitation of users and addicts: *Provided further*, That said assessments shall contain comparative cost-benefit and cost-effectiveness data to aid in determination of the absolute and relative value of each program in reducing the illegal drug problem.

SPECIAL FORFEITURE FUND

For Federal prison construction purposes to incarcerate drug traffickers and others who violate Federal statutes, an amount not to exceed $115,000,000, to be derived from deposits in the Fund, and to remain available until expended.

CHAPTER V

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For providing necessary medical care and treatment to eligible veterans with alcohol or drug dependence or abuse disabilities, an additional $50,000,000, which shall be available only for programs and activities described in section 2502(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), and as authorized under chapter 17 of title 38 United States Code.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

To fight the war on drugs and eliminate drug-related crime in public housing projects, without regard to section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437), an additional $50,000,000, which shall be available only for grants authorized under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 et seq.) and subject only to the requirements of such Act for project security, physical improvements, enforcement activities, support for voluntary organizations, and innovative programs designed to reduce drug use in and around public housing projects: *Provided*, That $1,000,000 shall be available for contracts, including the provision of technical assistance to public housing officials and resident groups to better prepare and educate them to confront the widespread abuse of controlled substances in public housing projects, pursuant to the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11922, 11923).

Contracts.
Drugs and drug abuse.

CHAPTER VI

DEPARTMENT OF ENERGY

NUCLEAR WASTE DISPOSAL FUND

In order to provide funds for the war on drugs, funds appropriated by the Energy and Water Development Appropriations Act for Fiscal Year 1990 (Public Law 101-101) for the "Nuclear Waste Disposal Fund" are reduced by $46,000,000.

CLEAN COAL TECHNOLOGY

Ante, p. 728.

The second paragraph under this head contained in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990, is amended by striking "$450,000,000" and inserting "$419,000,000" and by striking "$125,000,000" and inserting "$156,000,000".

SPR PETROLEUM ACCOUNT

Outlays in fiscal year 1990 resulting from the use of funds appropriated to this account in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990 shall not exceed $147,125,000: *Provided*, That for purposes of section 202 of Public Law 100-119 (2 U.S.C. 909) this action is a necessary (but secondary) result of a significant policy change.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

LAND ACQUISITION AND DEVELOPMENT FUND

The authority to borrow from the Treasury of the United States provided under this heading in the Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1990, is hereby reduced to $100,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

PROGRAM MANAGEMENT

Notwithstanding the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990, the amount available for Health Care Financing Administration Program Management shall include not to exceed $1,885,172,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds.

LEGISLATIVE BRANCH

In order to provide funds for the war on drugs, each discretionary appropriation for fiscal year 1990 provided in the Legislative Branch Appropriations Act, 1990, (H.R. 3014), shall be reduced by 0.43 percent: *Provided,* That $3,578,000 representing excess receipts from the sale of publications shall be transferred from the Government Printing Office revolving fund to the Salaries and Expenses Appropriation of the Office of the Superintendent of Documents, Government Printing Office.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Notwithstanding any other provision of this Act, each discretionary appropriation account, loan program, and obligation limitation in titles I and II of this Act is hereby reduced by 0.3 percent: *Provided,* That the reductions made pursuant to this paragraph shall not apply to "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)", the obligation limitation under "Grants-in-Aid for Airports", and to any appropriation account applicable to salaries and expenses in an amount less than $45,000,000: *Provided further,* That this paragraph shall not reduce the minimum amount specifically designated for drug enforcement activities under "Coast Guard, Operating Expenses": *Provided further,* That, notwithstanding any other provision of this paragraph, the obligation limitation under the head "Grants-in-Aid for Airports" is hereby reduced to $1,425,000,000 and the obligation limitation under the head "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)" is hereby reduced to $12,210,000,000: *Provided further,* That $25,000,000 of unobligated contract authority available for airport planning and development under section 505(a) of The Airport and Airway Improvement Act of 1982, as amended, is rescinded.

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $14,000,000 are rescinded.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $141,000 are rescinded.

PROCESSING TAX RETURNS

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $1,499,000 are rescinded.

EXAMINATION AND APPEALS

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $3,488,000 are rescinded.

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $2,299,000 are rescinded.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The limitation established under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, for the rental of space, as well as the aggregate limitation established thereunder, are reduced by $14,400,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Of the funds appropriated under this head in the Treasury, Postal Service and General Government Appropriations Act, 1990, $945,000 are rescinded.

CHAPTER VII

OFFICE OF NATIONAL DRUG CONTROL POLICY

Reports.

Not later than 30 days after the enactment of this Act, the Director of National Drug Control Policy shall report on how funds made available under title IV of this Act have been allocated and shall, for each quarter of the fiscal year thereafter, within 45 days following the close of the quarter, report on how these funds have been obligated. Reports made under this section shall be filed with

the House of Representatives and the Senate and made available to the Committees on Appropriations and other committees, as appropriate.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3015:

HOUSE REPORTS: No. 101-183 (Comm. on Appropriations) and No. 101-315 (Comm. of Conference).
SENATE REPORTS: No. 101-121 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
- Aug. 3, considered and passed House.
- Sept. 12-14, 18, 26, 27, considered and passed Senate, amended.
- Oct. 31, Nov. 1, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
- Nov. 9, 14, Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
- Nov. 21, Presidential statement.

Public Law 101-165
101st Congress

An Act

Nov. 21, 1989
[H.R. 3072]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

Department of Defense Appropriations Act, 1990.
Armed Forces.
Arms and munitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $24,510,960,000: *Provided,* That $11,000,000 shall be available only for the activation of one additional battalion for the 6th Light Infantry Division not later than August 15, 1990: *Provided further,* That no reduction be made in any active component combat or corps headquarters unit in the United States to make personnel available for this unit.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,307,700,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,800,200,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,994,040,000: *Provided,* That none of the funds provided in this account and in "Operation and Maintenance, Air Force" may support the continuation of the B-52G Squadron of the 43rd Bomb Wing after June 15, 1990.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,234,400,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,582,800,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $319,200,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $672,700,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,246,700,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty, or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,051,200,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $18,487,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $22,787,559,000: *Provided,* That $250,000 shall be available for the 1990 Memorial Day Celebration: *Provided further,* That of the funds appropriated herein, $3,500,000 shall be available for a grant to the Monterey Institute of International Studies: *Provided further,* That of the funds appropriated in this paragraph, $46,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) and intermediate cold-wet weather boots, unless $46,000,000 of ECWCS and the intermediate cold-wet weather boots are procured by the Army Stock Fund during fiscal year 1990.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,277,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $23,902,621,000, of which $81,000,000 shall remain available until September 30, 1992: *Provided,* That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further,* That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further,* That the Navy may provide notice in this fiscal year to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract: *Provided further,* That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, $2,000,000 shall be available for a grant to the National Museum of Naval Aviation at Pensacola, Florida. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,657,719,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,053,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $21,806,213,000: *Provided*, That none of the funds made available in this Act may be used to disestablish or reduce the operation of the Air Force and Air Force Reserve WC–130 Weather Reconnaissance Squadrons.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $7,800,156,000, of which not to exceed $10,642,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $861,800,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $894,800,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $77,400,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $978,500,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $1,867,100,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $1,981,900,000.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $4,700,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board.

Court of Military Appeals, Defense

For salaries and expenses necessary for the United States Court of Military Appeals; $4,000,000, and not to exceed $1,500 can be used for official representation purposes.

Environmental Restoration, Defense

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $601,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred pursuant to this provision are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Goodwill Games

For logistical support and personnel services including initial planning for security needs (other than pay and non-travel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the Goodwill Games) provided by any component of the Department of Defense to the Goodwill Games; $14,600,000, to remain available for obligation until March 31, 1991.

Humanitarian Assistance

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; $13,000,000, to remain available for obligation until September 30, 1991: *Provided*, That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of

Representatives 21 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,789,937,000, to remain available for obligation until September 30, 1992: *Provided*, That the Secretary of Defense shall review the requirements for Apache Helicopters and the Army Helicopter Improvement Program (AHIP) and report to the Committees on Appropriations by April 1, 1990: *Provided further*, That if the report finds that additional Apache or AHIP Helicopters are needed to fulfill the requirements for the U.S. Army, including National Guard and reserve forces, the Secretary of Defense may propose to obligate funds provided herein for advance procurement on additional Apache and/or AHIP Helicopters. Reports.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,708,399,000, to remain available for obligation until September 30, 1992.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,707,611,000, to remain available for obligation until September 30, 1992: *Provided*, That the Secretary of the Army shall complete the technical and operational testing and acquire the technical data package for the Improved Recovery Vehicle, M88A2: *Provided further*, That the Department of the Army shall expeditiously procure an improved vehicle intercommunication system with a goal of an initial procurement contract not later than September 30, 1990.

Contracts.
Communications and telecommunications.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,011,243,000, to remain available for obligation until September 30, 1992.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 168 passenger motor vehicles, of which 55 shall be for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,669,219,000, to remain available for obligation until September 30, 1992.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $9,389,266,000, to remain available for obligation until September 30, 1992.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Ballistic Missile Programs, $1,443,165,000;
Other Missile Programs, $2,831,852,000;
Mark-48 ADCAP Torpedo, $438,642,000;
Mark-50 Torpedo, $271,130,000;
Sea Lance, $1,799,000;
ASW Targets, $12,983,000;
ASROC, $9,282,000;
Modification of Torpedoes, $9,653,000;
Torpedo Support Programs, $39,002,000;
ASW Range Support, $24,205,000;
Other Weapons, $168,838,000;
Spares and Repair Parts, $111,341,000;
Installation of Modernization Equipment, $30,420,000;

In all: $5,392,312,000, to remain available for obligation until September 30, 1992.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

TRIDENT ballistic missile submarine program, $1,132,800,000, and in addition, $70,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program, 1987/1991", $10,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1988/92" and $20,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1989/93": *Provided*, That the amounts transferred shall be available only for the time period of the appropriation from which transferred: *Provided further*, That none of the funds may be obligated for advance procurement for the nineteenth TRIDENT ballistic missile submarine until the Secretary of Defense has certified to the Committees on Armed Services and Appropriations, either that the procurement of TRIDENT ballistic missile submarines at a rate of one per year is consistent with the United States negotiating goals and United States policy on strategic arms reductions and that such production would not necessitate the retirement of ballistic missile submarines prior to the end of their thirty-year service life, or that the President will request an adjusted production profile for TRIDENT ballistic missile submarines in the fiscal year 1991 budget request which is consistent with the United States strategic arms reduction negotiating position and prevents the retirement of ballistic missile submarines prior to the end of their thirty-year service life;

SSN-688 attack submarine program, $753,300,000;

SSN-21 attack submarine program, $614,800,000;

Aircraft carrier service life extension program, $630,300,000;

ENTERPRISE refueling/modernization program, $1,422,100,000;

DDG-51 destroyer program, $3,500,000,000;

LHD-1 amphibious assault ship program, $35,000,000;

LSD-41 dock landing ship cargo variant program, $229,300,000;

MCM mine countermeasures program, $341,500,000;

MHC coastal mine hunter program, $197,600,000;

AO conversion program, $35,700,000;

T-AGOS surveillance ship program, $155,800,000;

AOE combat support ship program, $356,400,000;

LCAC landing craft air cushion program, $273,300,000;

Oceanographic ship program, $278,100,000;

Moored training ship demonstration program, $220,000,000;

Sealift ship program, $600,000,000;

For craft, outfitting, post delivery, and ship special support equipment, $368,900,000;

Coast Guard icebreaker ship program, $329,000,000;

Coast Guard patrol boat program, $84,000,000;

In all: $11,557,900,000, to remain available for obligation until September 30, 1994: *Provided*, That additional obligations may be incurred after September 30, 1994, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $160,000 per vehicle and the purchase of not to exceed 671 passenger motor vehicles of which 645 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $7,970,764,000, to remain available for obligation until September 30, 1992.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed 172 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $1,213,792,000, to remain available for obligation until September 30, 1992.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $15,679,242,000, to remain available for obligation until September 30, 1992: *Provided*, That none of the funds provided in this Act may be obligated on B-1B bomber contracts which would cause the Air Force's $20,500,000,000 cost estimate for the B-1B bomber baseline program expressed in fiscal year 1981 constant dollars to be exceeded.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,916,863,000, to remain available for obligation until September 30, 1992.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; for the purchase of not to exceed 451 passenger motor vehicles of which 376 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $8,524,110,000, to remain available for obligation until September 30, 1992.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $973,720,000, to remain available for obligation until September 30, 1992.

Procurement, Defense Agencies

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 514 passenger motor vehicles of which 458 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,300,720,000, to remain available for obligation until September 30, 1992.

Defense Production Act Purchases

(INCLUDING TRANSFER OF FUNDS)

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $50,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless funds have been obligated since October 1, 1984, for purchases for qualification of that metal, mineral, or material: *Provided further*, That the Secretary of Defense shall transfer the $6,000,000 appropriated under the heading "Defense Production Act Purchases" (102 Stat. 2270-12, Public Law 100-463) for a demonstration project to develop a reliable source of titanium ore from ilemenite to appropriations available to the Secretary of the Interior, in order for the United States Bureau of Mines to carry out such demonstration project, known as the Soledad Canyon Demonstration Project in Los Angeles County, California. These funds shall remain available until September 30, 1993.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,434,378,000, to remain available for obligation until September 30, 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,733,174,000, to remain available for obligation until September 30, 1991: *Provided*, That of funds appropriated in Research, Development, Test and Evaluation, Navy for fiscal year 1989, $22,000,000 shall be transferred to Research, Development, Test and Evaluation, Defense Agencies for fiscal year 1990 for the Tactical Airborne Laser Communications program, to be merged with, and to be available for, the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That for research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation and other such projects as may be agreed upon, $3,000,000 shall be made available, as a grant, to the Center, of which not to exceed $500,000 of such sum may be used to provide such special equipment as required.

Grants.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,635,570,000: *Provided*, That the Secretary of the Air Force shall obligate $100,000,000 of amounts appropriated for research, development, test and evaluation for the Air Force for fiscal year 1989 that remain available for obligation to carry out research, development, test, and evaluation in connection with the Small ICBM program: *Provided further*, That the Secretary of the Air Force shall obligate $50,000,000 of amounts appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1989 from the B-1B program that remain available for obligation only to carry out research, development, test, and evaluation to provide cruise missile capability on the B-1B aircraft: *Provided further*, That the $13,635,570,000 provided under this heading is to remain available for obligation until September 30, 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,113,049,000, to remain available for obligation until September 30, 1991: *Provided*, That $18,000,000 may be available for a facility to enable collaborative research and training for Department of Defense military medical personnel in trauma care, head, neck, and spinal injury, paralysis, and neuro-degenerative diseases: *Provided further*, That of the amount herein provided for the Strategic Defense Initiative, $52,000,000 shall be available only for the Arrow missile program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $180,550,000, to remain available for obligation until September 30, 1991.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,725,000, to remain available for obligation until September 30, 1991.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

NAVY STOCK FUND

For the Navy stock fund; $40,500,000.

AIR FORCE STOCK FUND

For the Air Force stock fund; $126,100,000.

DEFENSE STOCK FUND

For the Defense stock fund; $78,100,000.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $100,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from State and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

TITLE VI

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, $148,400,000; for Procurement, $73,000,000; for Research, development, test, and evaluation, $8,000,000, of which not less than $6,100,000 shall be available only for cryofracture: *Provided*, That of the funds appropriated for Chemical Agents and Munitions Destruction, Defense for research, development, test and evaluation for fiscal year 1989, not less than $16,300,000 must be obligated for cryofracture not later than January 15, 1990: *Provided further*, That the Secretary of Defense may only delegate responsibility for the program planning, policy, budget, management, execution and general oversight of the destruction of chemical agents and munitions and the retrograde movement of chemical agents and munitions to the Secretary of the Army; for retrograde, $27,610,000; In all: $257,010,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1992, and the amount provided for Research, development, test, and evaluation shall remain available until September 30, 1991 and the amount provided for retrograde shall remain available until September 30, 1992: *Provided further*, That of the funds appropriated for retrograde, not more than $10,000,000 may be obligated or expended, nor may any chemical munitions be moved from existing storage sites, until the Secretary of Defense certifies to the Congress that the Johnston Atoll Chemical Agent Disposal System has destroyed live agent chemical munitions and that adequate storage capacity exists on Johnston Atoll to safely accommodate any chemical munitions or hazardous materials transported to that site: *Provided further*, That none of the funds appropriated in this or any other Act may be obligated to construct additional chemical munition storage facilities on Johnston Atoll.

TITLE VII

OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS

DRUG INTERDICTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and enforcement activities of the Department of Defense, not provided for elsewhere in this Act, $450,000,000; for transfer as follows: Army National Guard and Air National Guard operation and maintenance, personnel expenses, and associated administrative costs, $70,000,000; for Army National Guard and Air National Guard equipment, $40,000,000; for Operation and Maintenance, including the Civil Air Patrol, $88,200,000; for Research, Development, Test and Evaluation, $10,400,000; for Military Construction, $3,700,000; and, for Procurement, $237,700,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred and the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the amount appropriated, $2,500,000 shall be transferred to the Department of the Treasury solely for the expenses associated with a classified project.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, $95,749,000; for Procurement, $1,051,000; In all: $96,800,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1992.

TITLE VIII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $154,900,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $28,400,000.

THE MILDRED AND CLAUDE PEPPER FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For payment to the Mildred and Claude Pepper Foundation, a direct and unrestricted grant, including any interest or earnings therefrom, to support the purposes of the Foundation, its ongoing educational and public services programs and to serve as a memorial to the late Senator Claude Pepper; $10,000,000: *Provided*, That, notwithstanding any other provision of law or of this Act, the Secretary of Defense is hereby authorized and directed to make the grant authorized by this section to the Mildred and Claude Pepper Foundation, and such grant shall be transferred to the Foundation by January 1, 1990.

Grants.

TITLE IX

GENERAL PROVISIONS

SEC. 9001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Government organization and employees. 10 USC 2241 note.

SEC. 9002. During the current fiscal year and hereafter, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Aliens. Employment and unemployment. Government organization and employees. 10 USC 1584 note. Wages.

SEC. 9003. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher.

Small business. Contracts. Minorities. 10 USC 2301 note.

SEC. 9004. During the current fiscal year and hereafter, the Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 9005. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

10 USC 2241 note.

SEC. 9006. During the current fiscal year and hereafter, no part of the appropriations available to the Department of Defense shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 9007. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

International agreements.
Real property.
10 USC 2341 note.

SEC. 9008. During the current fiscal year and hereafter, the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, hereafter agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Reports.

SEC. 9009. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

International agreements. Business and industry.

Agriculture and agricultural commodities.

Government organization and employees. 10 USC 1593 note.

SEC. 9010. During the current fiscal year and hereafter, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901 of title 5, United States Code.

(TRANSFER OF FUNDS)

SEC. 9011. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

(TRANSFER OF FUNDS)

SEC. 9012. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the

Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 9013. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) Except as provided in 10 U.S.C. 2690, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, none of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of this Act.

Germany.
Energy.

(c) Except (1) as provided in 10 U.S.C. 2690, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives; and (2) that all conversions at the Wiesbaden and Kaiserslautern Military Communities shall be held in abeyance until August 15, 1990, in order for the Secretary of the Air Force to thoroughly evaluate the requirement for and cost-effectiveness of the proposal to convert these systems to third-party cogeneration systems using American coal and until the General Accounting Office has reviewed the findings of the Defense Department, after which date the Weisbaden and Kaiserslautern Military Communities may be converted under (1) above, none of the funds available to the Department of Defense in the Act shall be used to enter into any agreement or contract to convert a heating facility at military installations in Europe to district heat, direct natural gas, or other sources of fuel.

SEC. 9014. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 days in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 9015. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 9016. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions for section 1079(a) of title 10, United States Code, shall be available for reimbursement of any physician or other authorized individual provider of medical care in excess of the lower of: (a) the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (b) the allowable amounts in effect during fiscal year 1988 increased to the extent justified by economic changes as reflected in appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act.

10 USC 114 note.

SEC. 9017. During the current fiscal year and hereafter, none of the funds available to the Department of Defense shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided*, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

SEC. 9018. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1991.

Contracts.
10 USC 2780 note.

SEC. 9019. During the current fiscal year and hereafter, the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code.

10 USC 2241 note.

Health and medical care.

SEC. 9020. During the current fiscal year and hereafter, none of the funds available to the Department of Defense shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel in that foreign country.

SEC. 9021. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M-1 tank engines;
M-1 tank fire control;
Bradley Fighting Vehicle;
Family of Heavy Tactical Vehicles;
Maverick Missile (AGM-65D);
SH-60B/F Helicopter; and
DDG-51 Destroyer (Two years).

(TRANSFER OF FUNDS)

SEC. 9022. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 9023. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 71,449: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 48,576 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

SEC. 9024. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1990 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1990, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1991 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1991 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1991.

10 USC 2241 note.

SEC. 9025. During the current fiscal year and hereafter, none of the funds made available to the Department of Defense shall be used in any way for the leasing to non-Federal agencies in the

United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act of 1986.

Aircraft and air carriers.
Motor vehicles.

SEC. 9026. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 9027. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 9028. None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

Animals.

SEC. 9029. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 9030. During the current fiscal year and hereafter, funds available to the Department of Defense may be used by the Department of Defense for the use of helicopters and motorized equipment at Defense installations for removal of feral burros and horses.

10 USC 2241 note.

SEC. 9031. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable

10 USC 401 note.

Reports.

Education.
Hawaii.
Health and medical care.
Territories, U.S.

basis, for not more than 250 civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau and Guam.

National Guard. Employment and unemployment.

SEC. 9032. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 9033. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 9034. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act:

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a fifteen-month program established by the Secretary of Defense to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further*, That this subsection applies to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies to active components of the Army.

Education. National Guard.

SEC. 9035. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 9036. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

Blind persons.
Handicapped persons.
Indians.

SEC. 9037. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

10 USC 2701 note.

Real property.
State and local governments.
Corporations.

SEC. 9038. During the current fiscal year and hereafter, appropriations made available to the Department of Defense may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense: *Provided*, That such removal must be completed before the property is released from Federal Government control, other than property conveyed to State or local government entities or native corporations.

SEC. 9039. None of the funds appropriated in this Act to the Department of the Army may be obligated for depot maintenance of equipment unless such funds provide for civilian personnel strengths at the Army depots performing communications-electronics depot maintenance at an amount above the strengths assigned to those depots on September 30, 1985: *Provided*, That the foregoing limitation shall not apply to civilian personnel who perform caretaker-type functions at these installations: *Provided further*, That nothing in this provision shall cause undue reductions of other Army depots, as determined by the Secretary of the Army.

SEC. 9040. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,100,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

SEC. 9041. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 9042. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

Maritime affairs.

SEC. 9043. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 9044. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth: *Provided*, That any and all funds derived from contracts or subcontracts issued for the CHAMPUS Reform Initiative shall not be subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income, or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals, and all similar direct providers of health care services.

Computers.

SEC. 9045. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability and the planned upgrade of this capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 9046. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1990, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided, however*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

SEC. 9047. (a) Of the funds appropriated to the Army, $12,000,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended:

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

(8) unless RCAS performs its own classified information processing.

(b) None of the funds appropriated or made available in this Act are available for procurement of Tactical Army Combat Service Support Computer Systems (TACCS) unless at least 50 percent of the TACCS computers procured with Army fiscal year 1990 funds are provided to the Reserve Component.

(c) None of the funds appropriated in this Act are available for procurement of mini- and micro-computers for the Army Reserve Component which duplicate functions to be included in the RCAS contract.

Contracts.

SEC. 9048. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided*, That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further*, That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 9049. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 9050. Not to exceed $20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

SEC. 9051. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under manufactured outside the United States.

(TRANSFER OF FUNDS)

SEC. 9052. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician pay and Department of Defense medical personnel and programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty legislative days before any such transfer of funds under this provision: *Provided further*, That amounts transferred under this provision for Department of Defense medical personnel and programs (including CHAMPUS), shall come from prior year unobligated appropriations and shall be offset within the appropriations to which transferred.

SEC. 9053. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 9054. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States Government may be obligated or expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 104 of the Intelligence Authorization Act for fiscal year 1990.

SEC. 9055. None of the funds provided in this Act may be obligated or expended for the procurement of LANDSAT or SPOT remote sensing data except by the Defense Mapping Agency, in its role as primary action office for such purchases by Department of Defense agencies and military departments.

SEC. 9056. The designs of the Army LHX helicopter, the Navy Advanced Tactical Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications no later than 1998.

SEC. 9057. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 9058. Notwithstanding any other provision of law, the Secretary of Defense shall require that a provider of services under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) also provide services to members of the armed forces pursuant to section 1074(c), title 10, in accordance with the same reimbursement rules, subject to modifications deemed appropriate by the Secretary of Defense, as apply under CHAMPUS.

(TRANSFER OF FUNDS)

SEC. 9059. Notwithstanding any other provision of law, during fiscal year 1990, the Secretary of Defense shall make available to the United States Coast Guard without reimbursement not less than $140,000,000 in supplies, fuel, training assistance, medical support, and other operational support, exclusive of administrative costs; and from funds made available in this Act, $160,000,000 shall be transferred to Coast Guard "Operating Expenses".

(TRANSFER OF FUNDS)

SEC. 9060. In addition to any other transfer authority contained in this Act, amounts from working capital funds shall be transferred to the Operation and Maintenance appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows:

(a) from the Navy Stock Fund, not less than $156,000,000 shall be transferred to Operation and Maintenance, Marine Corps; from the Defense Stock Fund, not less than $195,000,000, of which $20,000,000 shall be transferred to Operation and Maintenance, Army Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Navy Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Air Force Reserve; $20,000,000 shall be transferred to Operation and Maintenance, Army National Guard; $35,000,000 shall be transferred to Operation and Maintenance, Air National Guard; and $60,000,000 shall be transferred to Operation and Maintenance, Defense Agencies for the Defense Logistics Agency.

(b) from the Army Stock Fund, $114,000,000 and from the Army Industrial Fund, $73,400,000 may be transferred to Operation and Maintenance, Army; from the Navy Stock Fund, $281,200,000 and from the Navy Industrial Fund, $400,950,000 may be transferred to Operation and Maintenance, Navy; from the Marine Corps Industrial Fund, $4,000,000 may be transferred to Operation and Maintenance, Marine Corps; from the Air Force Stock Fund, $156,000,000 and from the Air Force Industrial Fund, $111,750,000 may be transferred to Operation and Maintenance, Air Force; and, from the Defense Industrial Fund, $29,900,000 may be transferred to the Defense Logistics Agency: *Provided*, That the Secretary of Defense may waive the transfers in subsection (b) upon notification to the House and Senate Committees on Appropriations.

SEC. 9061. The Secretary of Defense shall take such action as necessary to assure that a minimum of 50 percent of the Carbon.

polyacrylonitrile (PAN) carbon fiber requirement be procured from domestic sources by 1992: *Provided*, That the annual goals to achieve this requirement be as follows: 15 percent of the total DOD requirement by 1988; 15 percent of total DOD requirement by 1989; 20 percent of the total DOD requirement by 1990; 25 percent of the total DOD requirement by 1991; and 50 percent of the total DOD requirement by 1992.

Union of Soviet Socialist Republics. International agreements.

SEC. 9062. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

Health and medical care. Children and youth. Health care facilities.

SEC. 9063. During the current fiscal year, notwithstanding any other provision of law, the Department of Defense shall exclude from diagnosis related groups regulations: (a) inpatient hospital services in a hospital whose patients are predominantly under 18 years of age and (b) such services in any hospital with respect to (1) discharges involving newborns and infants who are less than 29 days old upon admission (other than discharges classified to diagnosis related group 391), (2) discharges involving pediatric bone marrow transplants, (3) discharges involving children who have been determined to be HIV seropositive, and (4) discharges involving pediatric cystic fibrosis. The Department of Defense may include the hospital and neonatal services identified in subsections (a) and (b) in diagnosis related group regulations during fiscal year 1990 when the Department of Defense has adopted special measures to assure equitable and adequate payment for such services, such special measures including: (1) a "children's hospital differential" adjustment for each discharge of a CHAMPUS patient from a children's hospital that will assure that had the regulations been in effect for fiscal year 1988 they would have resulted in estimated aggregate CHAMPUS payments to children's hospitals not less than estimated aggregate CHAMPUS payments to such hospitals for discharges occurring during that fiscal year under the regulations in effect during fiscal year 1988 (recognizing that payments in subsequent years will vary based on volume, case mix intensity, and other factors); for a transitional period of three years the children's hospital differential will be computed on a hospital specific basis for children's hospitals with 50 or more CHAMPUS discharges in fiscal year 1988 and will be computed in aggregate for children's hospitals with less than 50 discharges in a year; (2) a children's hospital differential hold harmless provision, providing for retrospective and prospective corrections; (3) a special outlier policy for children's hospitals and neonatal services that combines the thresholds in effect under CHAMPUS DRG regulations for fiscal year 1988 with the higher marginal cost factors proposed by 53 Fed. Reg. 20580 (June 3, 1988); (4) a refinement to the DRGs for neonatal services to account for birthweight, surgery, and the presence of multiple, major, and other neonatal problems; (5) incorporation of annual updates to the classification features included in the regulation for neonatal services; (6) a provision for making interim payments for cases that are especially lengthy or expensive; and (7) a commitment to examine possible further uses of Pediatric Modified DRGs in the future: *Provided*, That the Department of Defense shall ensure that beneficiaries not be required to pay more in cost-shares under the foregoing exclusions than those which would have been imposed if the diagnosis related group system had not been instituted: *Provided further*, That notwithstanding any other provision of law, appropriations available to the Department of Defense may be used to pay the difference between the cost-shares paid by beneficiaries under the foregoing and the billed charges for services covered by this provision.

Reports.

SEC. 9064. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $125,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1990, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided*, That, (a) Not more than $1,539,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.

Reports.

(b)(1) Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall (A) submit to Congress a report on the amounts obligated by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Vietnam.
Prisoners of war.
Missing in action.

SEC. 9065. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

Hazardous materials. California.

SEC. 9066. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed $14,700,000, to execute the cleanup of uncontrolled hazardous waste contamination in accordance with the Record of Decision on Landfill No. 26 at Hamilton Air Force Base, in Novato, in the State of California: *Provided*, That no funds shall be used for such purpose until the Secretary of Defense, the Administrator of General Services, and the purchaser of the Sale Parcel reach an agreement resolving all disputes relating to the withdrawal of Landfill No. 26 and buffer acreage from the original Sale Parcel, except that funds may be expended on any and all preconstruction or related activities and may be expended to the extent required under Federal or State law.

Contracts. National parks, monuments, etc.

(b) Notwithstanding any other provision of law, the Department of Defense and the General Services Administration shall enter into an agreement with the purchaser of the aforementioned Sale Parcel which shall provide that:

(1) the United States Government will retain and develop the site plus a suitable buffer area as an accessible open space park;

(2) the original purchase price of the parcel shall be reduced by an amount which shall be agreed to by the aforementioned parties; and

(3) the purchaser shall be granted the right to withdraw from the sales contract at any time prior to the closing of the sale and receive its deposit and any pre-development expenses as documented by the General Accounting Office incurred since the date of the General Services Administration auction, plus accrued interest, in return for the release from any and all damages and claims against the United States Government with respect to the site and contamination.

(c) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in subsection (b)(3) of this section, the purchasers' deposit of $4,500,000 shall be returned by the General Services Administration and any funds eligible for reimbursement under subsection (b)(3) shall come from the funds made available to the Department of Defense by this Act.

(d) Notwithstanding any other provision of law, the account from which funds are used to carry out subsection (a) of this section, shall be reimbursed for up to $7,700,000 from the proceeds collected upon the closing of the aforementioned Sale Parcel.

SEC. 9067. None of the funds in this Act may be obligated or expended to conduct an Environmental Impact Study on the feasibility of purchasing acreage in Georgia for the proposed Southeast Weapons Range.

Reports.

SEC. 9068. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) establish or operate Training and Administration of Reserves (TAR) enlisted detailing or any enlisted placement functions or billets at the Chief of Naval Personnel and the Naval Military Personnel Center headquarters, or (2) transfer any Naval TAR, seaman, fireman, and airman detailing functions and billets or reduce civilian and military personnel end strengths from the Naval Reserve Personnel Center and the Enlisted Personnel Management Center until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfers, operations, or reductions in terms of (1) addressing the overall mission and operations staffing of all detailing and placement functions for active and reserve personnel functions and commands; and (2) certifying that such realignments do not duplicate functions presently conducted; are cost-effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and the Navy Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceman.

SEC. 9069. None of the funds appropriated in this Act may be available for offshore procurement of second or third generation night vision image intensifier tubes and devices: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 9070. (a) Congress makes the following findings—

(1) The United States Government relies on satellites for communications, early warning of attack, monitoring compliance with arms control agreements, and many other vital national security functions;

(2) Such satellites constitute vital integral parts of many United States weapons systems, command, control and communications systems, and other military systems;

(3) It is essential to the national security of the United States that United States Government satellites not be vulnerable to anti-satellite attacks;

(4) It is in the national security interests of the United States and its allies to deter the development and testing of anti-satellite weapons by the Soviet Union;

(5) It is in the national security interests of the United States to undertake a balanced response to Soviet anti-satellite capabilities, which includes a measured ASAT program;

(6) Key agencies of the Executive Branch are examining options for specific anti-satellite arms control measures; Therefore:

Reports.
Space.

(b)(1) The Executive Branch should conclude its examination of specific anti-satellite arms control options and rules of the road for space activities without delay, and include its recommendations and conclusions from this examination in the report to Congress already required by the Conference Report on the Fiscal Year 1989 Dire Emergency Supplemental Appropriations Act;

President of U.S.

(2) The President shall—with a view toward considering how to improve United States ASAT arms control monitoring capabilities—assess the national security implications for the United States of a mutual deployment of cooperative monitoring and verification technologies; the results of such assessment shall be included in the above-mentioned report;

(3) As soon as practicable, the President should take advantage of the forum provided by the ongoing Defense and Space Talks with the Soviet Union to explore—consistent with the conclusions of the above-mentioned report—adequately verifiable limitations on the development, testing, production, and deployment of weapons capable of directly threatening United States military satellites.

SEC. 9071. None of the funds available to the Department of Defense, including expired appropriations and M account balances, may be used for the B-1B's ALQ-161A CORE program unless the Secretary of Defense has notified the Congress in advance of his intention to use funds for such purpose: *Provided*, That no funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B-1B.

102 Stat. 2270-12.

SEC. 9072. The appropriation "Research, Development, Test and Evaluation, Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by striking out the proviso following "intercommunications system:" and ending with "support vehicles:".

SEC. 9073. None of the funds in this Act may be available for the procurement of Multibeam Sonar Mapping Systems which are not manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 9074. The $100,000,000 provided for Shipbuilding and Conversion, Navy under the appropriation "Special Operations Forces Fund" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) shall remain available for obligation until September 30, 1990.

Animals.
Wildlife.
Conservation.

SEC. 9075. Effective for only fiscal year 1990, whenever the Secretary of the Army captures and removes wild horses and burros from White Sands Missile Range, the Secretary may transfer such horses and burros to the Secretary of the Interior as excess animals. Upon receipt of any horse or burro pursuant to this section, the Secretary of the Interior shall treat such animals as excess animals removed under section 3(b)(2) of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1333(b)(2)): *Provided*, That the cost of processing such animals incurred by the Department of the Interior shall be reimbursed by the Secretary of the Army, not to exceed $200,000.

SEC. 9076. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 9077. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 9078. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Contracts.

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

10 USC 2241 note.

SEC. 9079. None of the funds appropriated by this Act or hereafter shall be obligated for the second career training program authorized by Public Law 96-347.

SEC. 9080. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

10 USC 2401 note.

SEC. 9081. No funds available to the Department of Defense during the current fiscal year and hereafter may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to the Committees on Appropriations of the House of Representatives and the Senate in the budgetary process: *Provided*, That any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

Contracts.
Maritime affairs.
Aircraft and air carriers.
Motor vehicles.

SEC. 9082. Of the funds made available to the Department of the Air Force in this Act, not less than $6,700,000 shall be available for the Civil Air Patrol.

SEC. 9083. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

Wages.
Government organization and employees.

SEC. 9084. Notwithstanding any other provision of law, funds available in this Act shall be available to the Department of Defense to grant civilian employees participating in productivity-based incentive award programs paid administrative time off in lieu of cash payment as compensation for increased productivity.

SEC. 9085. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 9086. From the amounts appropriated in this Act, funds shall be available for Naval Aviation Depots to perform manufacturing in order to compete for production contracts of Defense articles: *Provided*, That the Navy shall certify that successful bids between Naval Aviation Depots and private companies for such production contracts include comparable estimates of all direct and indirect costs: *Provided further*, That competitions conducted under this authority shall not be subject to section 2461 or 2464 of title 10,

Contracts.
Business and industry.

United States Code, or to Office of Management and Budget Circular A-76.

50 USC app. 2410a note.

SEC. 9087. (a) PROHIBITION.—During the period beginning on the date of the enactment of this Act and through December 28, 1991, no product manufactured or assembled by Toshiba America, Incorporation, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to microwave ovens manufactured or assembled in the United States.

SEC. 9088. Of the funds made available in this Act for military personnel appropriations, $3,000,000 shall be available for the payment of bonuses to officers of the Army Nurse Corps, the Navy Nurse Corps and officers designated as Air Force nurses. A bonus, in an amount not to exceed $6,000, may be paid, under such regulations and conditions as the Secretary of Defense deems appropriate, to such an officer: *Provided*, That the officer is on active duty under a call or order to active duty for a period of not less than one year: *Provided further*, That the officer is qualified and performing as an anesthetist: *And provided further*, That this provision shall not be effective unless specifically authorized.

Health care professionals.

SEC. 9089. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 182,011 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual Supplement 298-2, Book IV: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

Disadvantaged persons.

SEC. 9090. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

Contracts.
State and local governments.
Employment and unemployment.

SEC. 9091. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1990 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 9092. No more than $178,419,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

10 USC 2488 note.

SEC. 9093. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Alcohol and alcoholic beverages. State and local governments.

(TRANSFER OF FUNDS)

SEC. 9094. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, but shall be available only for the time period of the appropriation from which transferred: *Provided further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90": T-AGOS SURTASS ship program, $3,600 000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

CG-47 cruiser program, $147,100,000;

T-AGOS SURTASS ship program, $8,500,000;

Outfitting program, $14,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/89": T-AO fleet oiler program, $72,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

MCM mine countermeasures ship program, $5,800,000;

T-AO fleet oiler program, $11,100,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

AOE fast combat support ship program, $51,900,000;

T-AO fleet oiler program, $6,300,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 1989/93": T-AGOS SURTASS ship program, $27,000,000.

Aircraft and air carriers. Government organization and employees. Contracts.

SEC. 9095. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $37,000,000. The Secretary of Defense shall allocate the amount of the reduction made by the preceding sentence in the procurement and research, development, test and evaluation accounts of the Army, Navy, Air Force, Marine Corps, and Defense Agencies as the Secretary determines appropriate to reflect savings resulting from increased use of discount air fares that (1) are granted by commercial air carriers for travel of Federal Government employees on official Government business under agreements entered into between the Administrator of General Services and such carriers, and (2) are available to contractor personnel traveling in connection with the performance of cost-reimbursable contracts awarded by the Department of Defense.

Fellowships and scholarships.

SEC. 9096. (a) Of the amounts available to the Department of Defense for fiscal year 1990, not less than $10,500,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

22 USC 2770.

SEC. 9097. Section 30(a) of chapter 2B of the Arms Export Control Act, Public Law 97-392, is amended by inserting "either (i)" immediately after the phrase "such a company" in the first sentence thereof and by adding immediately before the period at the end of that sentence "or (ii) in the case of ammunition parts subject to subsection (b) of this section, using commercial practices which restrict actual delivery directly to a friendly foreign country or international organization pursuant to approval under section 38 of this Act".

Aircraft and air carriers.
Motor vehicles.
Maritime affairs.
Business and industry.

SEC. 9098. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the depot maintenance and repair of aircraft, vehicles, vessels and components, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids.

SEC. 9099. Of the funds appropriated by this Act, no more than $2,500,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 9100. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

Health and medical care. Health care facilities. Uniformed services. Contracts.

SEC. 9101. For the purpose of conducting a demonstration project, to test methods of increasing collections from third-party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents pursuant to section 1095 of title 10, United States Code, the Secretary of Defense is authorized to modify existing Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) regional fiscal intermediary contracts to assist in the administration of activities in connection with such collections: *Provided*, That amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.

16 USC 396f note.

SEC. 9102. USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES.—(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

(2) ACCOUNTS DESCRIBED.—The accounts referred to in subparagraph (B) are—

(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the "Cook Inlet Region, Incorporated property account"; and

(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

(1) tendered from an account described in subsection (b)(2);

(2) received by the agency as proceeds of such a sale; and

(3) used by the agency for that specific purpose.

(c) AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

(d) AGENCY DEFINED.—In this section the term "agency" includes—

(1) any instrumentality of the United States; and

(2) any element of an agency.

Indians.

SEC. 9103. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations

Contracts.
Regulations.

account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. § 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. § 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

22 USC 2321i.

SEC. 9104. (a) Section 515(d) of the Foreign Assistance Act of 1961 is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1989" and by striking out "including" and inserting in lieu thereof "excluding".

22 USC 2792.

(b)(1) Section 43(b) of the Arms Control Act is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by adding the following paragraph at the end of the subsection:

"(3) such expenses are neither salaries of the Armed Forces of the United States nor represent unfunded estimated costs of civilian retirement and other benefits.".

22 USC 2392.

(2) Section 632(d) of the Foreign Assistance Act of 1961 is amended by adding at the end of the second sentence thereof "(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits)".

22 USC 2761.

(c) Section 21(e) of the Arms Export Control Act is amended—

(1) by inserting immediately before the semicolon at the end of paragraph (1)(A) "as specified in section 43(b) and section 43(c) of this Act";

(2) by inserting immediately before the semicolon at the end of paragraph (1)(C) "(except for equipment wholly paid for either from funds transferred under section 503(a)(3) of the Foreign Assistance Act of 1961 or from funds made available on a nonrepayable basis under section 23 of this Act)";

(3) by repealing paragraph (1)(B) and relettering paragraphs (1)(C) and (1)(D) as paragraphs (1)(B) and (1)(C), respectively; and

(4) by striking out "paragraphs (1)(B) and (1)(C)" in subsection (e)(2) and inserting in lieu thereof "paragraph (1)(B)".

Post, p. 1599.

(d) Section 1606 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 is amended—

(1) by striking out "One-Year" in the heading of the section and inserting in lieu thereof "Three-Month";

(2) by striking out "One-Year" in subsection (a) and inserting in lieu thereof "Three-Month";

(3) by striking out "October 1, 1990" in subsection (a) and inserting in lieu thereof "January 1, 1990"; and

(4) by striking out "fiscal year 1990" in subsection (a) and inserting in lieu thereof "the first quarter of fiscal year 1990".

Research and development.

SEC. 9105. The Secretary of the Air Force shall transfer not less than $5,000,000 from funds available to the Air Force for research, development, test and evaluation for fiscal year 1990 to the Army for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. The Secretary of the Army shall provide $2,500,000 for the same purpose from funds available to the Army for research, development, test and evaluation for fiscal year 1990. Funds made available by the Secretary of the Army for such purpose may not be made available from funds otherwise available for the United States Army Kwajalein Atoll Command.

SEC. 9106. From any appropriations in this Act, $1,000,000 shall be made available for maintenance and repair of equipment and facilities and for tooling at the government owned William Langer Jewel Bearing Plant.

(TRANSFER OF FUNDS)

Disaster assistance.

SEC. 9107. Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by hurricane Hugo in September 1989: *Provided*, That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further*, That the Secretary shall notify the Congress promptly of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

(TRANSFER OF FUNDS)

Jordan.

SEC. 9108. Up to $20,000,000 of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding section 10 of Public Law 91-672 or any other provision of law: *Provided*, That funds transferred pursuant to this section shall be made available only for Jordan to maintain previously purchased United States-origin defense articles: *Provided further*, That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment: *Provided further*, That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred: *Provided further*, That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

(TRANSFER OF FUNDS)

SEC. 9109. During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities", to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided*, That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

SEC. 9110. (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice

which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

President of U.S.
Reports.
Korea.

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea;

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

SEC. 9111. PARTNERSHIPS WITH SCHOOLS.—(a) DEFINITIONS.—For the purposes of this section—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with elementary schools and secondary schools civilian and military. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

New Jersey.
Real property.

SEC. 9112. The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in subsection (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey

Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

Reports. Nevada. Public lands. Aviation.

SEC. 9113. (a) The Congress of the United States finds that—

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

(b) Therefore, it is the sense of the Congress that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

Wages. Government organization and employees.

SEC. 9114. (a) Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

(b) Sums appropriated in title I of this Act, Military Personnel, are reduced by $63,000,000, which will be realized by reducing active duty personnel by 5,000: *Provided*, That this subsection does not apply to the reserve components.

(c) Sums appropriated in title II of this Act, Operation and Maintenance, are reduced by $75,000,000, which will be realized by reducing civilian personnel by 2,500: *Provided*, That this subsection does not apply to the reserve components.

SEC. 9115. Of the funds made available in this Act and in the Military Construction Appropriations Act, 1990 for fiscal year 1990 for research, development, test, and evaluation of the Rail Garrison MX and Small ICBM systems, procurement of Mark 21 reentry systems, advance procurement of Rail Garrison MX components or materials, and construction of facilities to support the Rail Garrison MX system, $150,000,000 is hereby reduced as determined by the Secretary of Defense: *Provided*, That section 101(a)(1) that follows "1991"; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (H.R. 1487) (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and section 404(b) of The Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991: *Provided further*, That so much of the preceding proviso as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, shall take effect only on the date of enactment of that Act.

Effective date.

Reports. Louisiana. Research and development. Animals.

SEC. 9116. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations in the House and Senate.

Animals.
Research and development.

SEC. 9117. None of the funds appropriated by this Act shall be available for bone trauma research at Letterman Army Institute of Research until the Secretary of the Army has certified to the Committees on Appropriations of the House and Senate that this research has a military application, it is being conducted in accordance with the standards set by an animal care and use committee, and the research is not duplicative of research already conducted by a manufacturer or any other research organization.

Drugs and drug abuse.
Law enforcement and crime.

SEC. 9118. (a) It is the sense of the Congress that United States participation in a multilateral anti-narcotics strike force, as called for in sections 4101 and 4103 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), should include the full range of appropriate law enforcement and anti-drug abuse agencies, and that consideration be given to aiding such a strike force by funding from appropriate sources for multilateral intelligence-sharing, multilateral training of law enforcement personnel, and multilateral support for crop substitution, drug treatment, drug research and drug education programs.

(b) Funds made available under this Act for Department of Defense drug interdiction activities may be expended to fund the participation of United States armed forces in conjunction with appropriate United States law enforcement and anti-drug abuse agencies, in accordance with other applicable laws, in such a strike force.

SEC. 9119. STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT TECHNICAL AMENDMENT.—(a) IN GENERAL.—Section 739 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449) is amended—

(1) by striking subsection (b);

(2) by striking "; Availability of Funds" in the section heading;

(3) in subsection (a) by striking "(a) AUTHORIZATION OF APPROPRIATIONS.—";

(4) by striking "(1)" and inserting "(a) AUTHORIZATION OF APPROPRIATIONS.—";

(5) by striking "(2)" and inserting "(b) RATABLE REDUCTION.—"; and

(6) by striking "(3)" and inserting "(c) SPECIAL RULE.—".

42 USC 11449 note.

(b) Effective Date.—The amendments made by this section shall apply with respect to funds obligated during fiscal year 1988 and each fiscal year thereafter.

This Act may be cited as the "Department of Defense Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3072:

HOUSE REPORTS: No. 101-208 (Comm. on Appropriations) and No. 101-345 (Comm. of Conference).
SENATE REPORTS: No. 101-132 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
- Aug. 4, considered and passed House.
- Sept. 21, 25-28, considered and passed Senate, amended.
- Nov. 15, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to certain Senate amendments.
- Nov. 17, Senate agreed to conference report; receded and concurred in certain House amendments, in another with an amendment.
- Nov. 19, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
- Nov. 21, Presidential statement.

Public Law 101-166
101st Congress

An Act

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Nov. 21, 1989
[H.R. 3566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990.
Department of Labor Appropriations Act, 1990.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $64,693,000 together with not to exceed $53,817,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $3,907,746,000; plus reimbursements, to be available for obligation for the period July 1, 1990, through June 30, 1991, of which $58,996,000 shall be for carrying out section 401, $70,000,000 shall be for carrying out section 402, $9,474,000 shall be for carrying out section 441, $2,000,000 shall be for the National Commission for Employment Policy, $4,100,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and $5,150,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act; and, in addition, $50,432,000 is appropriated for the Job Corps, in addition to amounts otherwise provided herein for the Job Corps, to be available for obligation for the period July 1, 1990 through June 30, 1993; and, in addition, $13,000,000, of which $1,500,000 shall be available for obligation for the period October 1, 1990 through September 30, 1991, is appropriated for activities authorized by title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For Job Corps program operations authorized by the Job Training Partnership Act, $13,492,000, in addition to amounts otherwise provided herein for these purposes, to be available for obligation for the period July 1, 1989, through June 30, 1990.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $282,360,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $79,640,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related administrative expenses under part II, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended, $284,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided*, That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235 and 243-244, title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H)(ii), 212(a)(14), and 216(g) (1), (2), and (3) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); and necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, $22,000,000 together with not to exceed $2,575,200,000 (including not to exceed $3,000,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the basic allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the basic allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1990, and of which $19,148,000 of the amount which may be expended from said trust fund shall be available for obligation for the period April 1, 1990, through December 31, 1990, for automation of the State activities under title III of the Social Security Act, as amended (42 U.S.C. 502-504 and 5 U.S.C. 8501-8523), and of which $20,800,000 together with not to exceed $768,900,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1990, through June 30, 1991, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $12,500,000 of the amount which may be expended from said trust fund shall be available for obligation for the period October 1, 1990, through June 30, 1991, for automation of the State activities under section 6 of the Act of June 6, 1933, as amended, and of which $193,468,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments based on State obligations as of December 31, 1990.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1991, $33,000,000.

LABOR-MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses for Labor-Management Services, $75,207,000, of which $6,400,000 for a pension plan data base shall remain available until September 30, 1991: *Provided*, That of the amount appropriated by Public Law 100-202 for a pension plan data base, up to $1,500,000 of unobligated balances as of September 30, 1989 shall remain available for such pension plan data base until September 30, 1990.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1990, for such Corporation: *Provided*, That not to exceed $42,301,000 shall be available for administrative expenses of the Corporation: *Pro-*

vided further, That contractual expenses of such Corporation for legal and financial services in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $218,322,000, together with $1,019,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $255,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided,* That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1990.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $640,985,000, of which $590,486,000 shall be available until September 30, 1991, for payment of all benefits as authorized by section 9501(d) (1), (2), and (7), of the Internal Revenue Code of 1954, as amended, and of which $28,640,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $21,350,000 for transfer to Departmental Management, Salaries and Expenses, and $509,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation or other benefits for any period subsequent to June 15 of the current year: *Provided further,* That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $270,748,000 including not to exceed $60,633,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $170,593,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed twenty passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine. 30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $193,771,000, together with not to exceed $49,518,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of 5 sedans, and including $2,880,000 for the President's Committee on Employment of People With Disabilities, $115,072,000 together with not to exceed $285,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $162,623,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-10 and 2021-26.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $41,997,000, together with not to exceed $5,194,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on workers health or safety.

SEC. 103. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a non-governmental entity to administer or manage a Civilian Conservation Center of the Job Corps which was not under such a contract as of September 1, 1984.

SEC. 104. None of the funds appropriated in this Act shall be used by the Job Corps program to pay the expenses of legal counsel or representation in any criminal case or proceeding for a Job Corps participant, unless certified to and approved by the Secretary of Labor that a public defender is not available.

Oregon.
Real property.

SEC. 105. (a) Within sixty days after the enactment of this Act, the United States, acting through the Secretary of Labor (or an official of the Department of Labor duly authorized by the Secretary of Labor) shall convey to the State of Oregon without consideration, all rights, title, and interest of the United States, in real property described in subsection (b) (and any improvements thereon).

(b) The real property referred to in subsection (a) is that property commonly known as the "Emerald Heights Housing Complex" located in the city of Astoria, Clatsop County, Oregon.

This title may be cited as the "Department of Labor Appropriations Act, 1990".

Department of Health and Human Services Appropriations Act, 1990.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

PROGRAM OPERATIONS

For carrying out titles III, VII, VIII, X, XXIV, XVI, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $1,782,271,000, of which $11,885,000 for health care for the homeless shall be available for obligation for the quarter beginning October 1, 1990, and ending December 31, 1990, of which $889,000, to remain available until expended, shall be available for renovating the Gillis W. Long Hansen's Disease Center, 42 U.S.C. 247e, of which $494,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act and of which $4,400,000 shall be made available until expended to make grants under section 1610(b) of the Public Health Service Act for renovation or construction of non-acute care intermediate and long-term care facilities for AIDS patients: *Provided*, That notwithstanding section 838 of the Public Health Service Act, not to exceed $10,000,000 of funds returned to the Secretary pursuant to section 839(c) of the Public Health Service Act or pursuant to a loan agreement under section 740 or 835 of the Act may be used for activities under titles III, VII, and VIII of the Act: *Provided further*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advances to this appropriation: *Provided further*, That of this amount, $30,000,000 is available until expended for grants to States for Human Immunodeficiency Virus drug reimbursement, pursuant to section 319 of the Public Health Service Act: *Provided further*, That user fees authorized by 31 U.S.C. 9701 may be credited to appropriations under this heading, notwithstanding 31 U.S.C. 3302.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $21,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH PROFESSIONS GRADUATE STUDENT LOAN FUND

For carrying out title VII of the Public Health Service Act, $25,000,000, to remain available until expended, for payments on defaulted loans for the Health Education Assistance Loan program.

VACCINE INJURY COMPENSATION

For payments from the Vaccine Injury Compensation Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death resolved during the current fiscal year with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act as amended by Public Law 100-203.

For compensation of claims resolved by the United States Claims Court related to the administration of vaccines before October 1, 1988, $74,500,000, of which such sums as may be necessary shall be used to reimburse the Vaccine Injury Compensation Trust Fund for any payment of such claims made from the Trust Fund prior to the current fiscal year: *Provided*, That necessary expenses of the Department of Health and Human Services under the National Childhood Vaccine Injury Act of 1986, not to exceed $1,500,000, shall be reimbursed from the Trust Fund.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles III, XVII, XIX, and section 1102 of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $1,101,559,000, of which $2,000,000 shall remain available until expended for equipment and construction and renovation of facilities: *Provided*, That training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That collections from user fees may be credited to this appropriation: *Provided further*, That amounts received by the National Center for Health Statistics from reimbursable and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to $19,000,000 shall be available from amounts available under section 2613 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That employees of the Public Health Service, both civilian and Commissioned Officer, detailed to States or municipalities as assignees under authority of section 214 of the Public Health Service Act in the instance where in excess of 50 per centum of salaries and benefits of the assignee is paid directly or indirectly by the State or municipality, and employees of the National Center for Health Statistics, who are assisting other Federal organizations on data collection and analysis and whose salaries are fully reimbursed by the organizations requesting the services, shall be treated as non-Federal employees for reporting purposes only; and, in addition, for high priority construction projects of the Centers for Disease Control, $5,000,000.

National Institutes of Health

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,664,000,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,091,264,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental diseases, $138,053,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $591,887,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $497,096,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $846,318,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $691,866,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $450,593,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $241,205,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311, and title IV of the Public Health Service Act with respect to environmental health sciences, $233,264,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $243,509,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $171,681,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $119,000,000.

RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $354,191,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $33,969,000.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $60,000,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $15,556,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $83,311,000.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $108,987,000, including purchase of not to exceed five passenger motor vehicles for replacement only: *Provided*, That $34,000,000 of this amount shall be available only for the purchase of an advanced design supercomputer: *Provided further*, That in addition, the Secretary shall transfer $15,000,000 from appropriations available to each of the Institutes which shall be available for extramural facilities construction grants if authorized in law and if awarded competitively including such amount as he may deem appropriate for research animal production facilities.

BUILDINGS AND FACILITIES

For construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, $61,600,000, to remain available until expended.

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, section 3521 of Public Law 100-690, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, $1,934,177,000, of which $7,359,000 for homeless activities shall be available for obligation for the period October 1, 1990 through September 30, 1991, and, of which $198,000 for renovation of government owned or leased intramural research facilities shall remain available until expended.

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

To carry out the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, $18,000,000, which shall be available in fiscal year 1990 for payments to the District of Columbia as authorized by section 9(a) of the Act: *Provided*, That any amounts determined by the Secretary of Health and Human Services to be in excess of the amounts requested and estimated to be necessary to carry out sections 6 and 9(f)(2) of the Act shall be returned to the Treasury: *Provided further*, That funds appropriated for Federal activities authorized by sections 6 and 9 of the Act, shall remain available through September 30, 1991, and may be used for administrative and maintenance functions in implementing the Act.

Assistant Secretary for Health

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, Public Law 100-505, and subtitle D of title II of Public Law 100-607, $77,352,000, together with not to exceed $1,037,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein, and, in addition, amounts received by the Public Health Service from Freedom of Information Act fees, reimbursable and interagency agreements and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That in addition to amounts provided herein, up to $14,681,000 shall be available from amounts available under section 2611 of the Public Health Service Act, to carry out the National Medical Expenditure Survey and the Hospital Studies Program.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Department's Medical Care Act (10 U.S.C. ch.55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

MEDICAL TREATMENT EFFECTIVENESS

For expenses necessary for the Public Health Service to support medical effectiveness research, $27,000,000, together with not to exceed $5,000,000 to be transferred and expended as authorized by title VIII, subsection E, section 8413 of the Technical and Miscellaneous Revenue Act of 1988 from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds referred to therein.

Health Care Financing Administration

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $30,136,654,000, to remain available until expended.

For making, after May 31, 1990, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1990 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1991, $10,400,000,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $36,338,500,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, the Clinical Laboratories Improvement Act of 1988, and section 4005(e) of Public Law 100-203, $101,908,000 together with not to exceed $1,917,172,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds: *Provided*, That $100,000,000 of said trust funds shall be expended only to the extent necessary to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That all funds derived in accordance with 31 U.S.C. 9701 are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, $5,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of prepayment premiums and interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $191,968,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and when travel of more than 75 miles is required, to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $648,862,000, to remain available until expended: *Provided*, That monthly benefit payments shall be paid consistent with section 215(g) of the Social Security Act.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1991, $215,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, title XI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $9,098,758,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1991, $3,157,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,837,389,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That travel expense payments under section 1631(h) of such Act for travel to hearings may be made only when travel of more than seventy-five miles is required: *Provided further*, That $97,870,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads or meet other costs not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.

42 USC 1383 note.

FAMILY SUPPORT ADMINISTRATION

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, section 903 of Public Law 100-628, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $9,007,946,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A and -D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1991, $3,000,000,000, to remain available until expended.

PAYMENTS TO STATES FOR AFDC WORK PROGRAMS

For carrying out aid to families with dependent children work programs, as authorized by part F and part C (including registration of individuals for such programs, and for related child care and other supportive services as authorized by section 402(a)(19)(G)) of title IV of the Social Security Act, $349,975,000, together with such additional amounts as may be necessary for unanticipated costs incurred for the current fiscal year for carrying out those programs: *Provided,* That the total amount appropriated under this paragraph shall not exceed the limit established in section 403(k)(3) of the Act (as added by section 201(c) of the Family Support Act of 1988): *Provided further,* That a State may not receive more than one-fourth of the amount of its fiscal year 1989 allotment under part C for each quarter in fiscal year 1990 during which part C applies to that State, and a State may not receive more than one-fourth of its annual limitation determined under section 403(k)(2) for each quarter in fiscal year 1990 during which part F applies to that State: *Provided further,* That the quarterly amounts specified in this paragraph shall be the maximum amounts to which the States may become entitled for these purposes.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,393,000,000, of which $60,000,000 shall become available for making payments on September 30, 1990.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), $368,822,000, of which $210,000,000 shall be available for State cash and medical assistance.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

8 USC 1255a note.

Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended—

(1) by inserting "(A)" after "In General.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) Funds appropriated for fiscal year 1990 under this section are reduced by $555,244,000.

"(C) For fiscal year 1992, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $1,000,000,000 (less the amount described in paragraph (2)) less the amount made available for allotments to States under subsection (b) for fiscal year 1990.".

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act and the Stewart B. McKinney Homeless Assistance Act, $396,680,000, of which $8,041,000 for homeless activities shall be available for obligation for the period October 1, 1990 through September 30, 1991, of which $20,254,000 shall be for carrying out section 681(a)(2)(A), $4,013,000 shall be for carrying out section 681(a)(2)(D), $2,948,000 shall be for carrying out section 681(a)(2)(E), $9,669,000 shall be for carrying out section 681(a)(2)(F), $236,000 shall be for carrying out section 681(a)(3), $3,512,000 shall be for carrying out section 408 of Public Law 99-425, and $2,418,000 shall be for carrying out section 681A with respect to the community food and nutrition program.

PROGRAM ADMINISTRATION

For necessary administrative expenses to carry out titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), title XXVI of the Omnibus Budget Reconciliation Act of 1981, the Community Services Block Grant Act, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100-77, Public Law 100-628, and section 126 and titles IV and V of Public Law 100-485, $86,806,000.

Assistant Secretary for Human Development Services

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Older Americans Act of 1965, the Developmental Disabilities Assistance and Bill of Rights Act, the Child Abuse Prevention and Treatment Act, section 404 of Public Law 98-473, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act (title III of Public Law 98-457), the Native American Programs Act, title II of Public Law 95-266 (adoption opportunities), title II of the Children's Justice and Assistance Act of 1986, chapter 8-D of title VI of the Omnibus Budget Reconciliation Act of 1981 (pertaining to grants to States for planning and development of dependent care programs), the Head Start Act, the Comprehensive Child Development Centers Act of 1988, the Child Development Associate Scholarship Assistance Act of 1985, the Abandoned Infants Assistance Act of 1988 and part B of title IV and section 1110 of the Social Security Act, $2,784,090,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For carrying out part E of title IV of the Social Security Act, $1,380,048,000, of which $50,000,000 shall be for carrying out section 477 of the Social Security Act.

Departmental Management

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $80,577,000, of which $19,281,000 shall be available for expenses necessary for the Office of the General Counsel, together with $31,201,000, of which $26,116,000 shall be available for expenses necessary for the Office of the General Counsel, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,600,000, together with not to exceed $44,300,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,567,000, together with not to exceed $4,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $5,012,000.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Grants.

SEC. 202. None of the funds made available by this Act for the National Institutes of Health, except for those appropriated to the "Office of the Director", may be used to provide forward funding or multiyear funding of research project grants except in those cases where the Director of the National Institutes of Health has determined that such funding is specifically required because of the scientific requirements of a particular research project grant.

SEC. 203. Appropriations in this or any other Act shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed 2,400 commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18.

Abortion.

SEC. 204. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 206. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 207. Amounts received from employees of the Department in payment for room and board may be credited to the appropriation accounts which finance the activities of the Public Health Service.

SEC. 208. None of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve medical officer of the Public Health Service for any period during which the officer is assigned to the clinical, research, or staff associate program administered by the National Institutes of Health.

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

Contracts.

SEC. 210. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years, so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

Children and youth.

AIDS.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in the child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 212. For the purpose of insuring proper management of federally supported computer systems and data bases, funds appropriated by this Act are available for the purchase of dedicated telephone service between the private residences of employees assigned to computer centers funded under this Act, and the computer centers to which such employees are assigned.

SEC. 213. Funds available in this title for activities related to Human Immunodeficiency Virus may be transferred by the Secretary of Health and Human Services between appropriation accounts, except that this section shall not apply to funds made available for fiscal year 1990.

SEC. 214. No funds appropriated under this Act shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term "recipient of Federal funds" includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

SEC. 215. None of the funds appropriated by this title shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

Regulations.

AIDS.
Research and development.

SEC. 216. In administering funds made available under this title for research relating to the treatment of AIDS, the National Institutes of Health shall take all possible steps to ensure that all experimental drugs for the treatment of AIDS, particularly antivirals and immunomodulators, that have shown some effectiveness in treating individuals infected with the human immunodeficiency virus are tested in clinical trials as expeditiously as possible and with as many subjects as is scientifically acceptable.

SEC. 217. None of the funds appropriated in this title for the National Institutes of Health and the Alcohol Drug Abuse and Mental Health Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $120,000 per year.

Public buildings and grounds.

SEC. 218. The Consolidated Office Building is hereby named the William H. Natcher Building; the Child Health/Neurosciences Building (building 49) is hereby named the Silvio O. Conte Building; the Stone House (building 16) is hereby named the Lawton Chiles International House; the Building numbered 36 is hereby named the Lowell P. Weicker Building.

SEC. 219. Of the funds appropriated in this Act for the National Institutes of Health, a reduction of $4,000,000 is to be applied to all appropriations as a result of improved procurement practices and a reduction of $10,000,000 is to be applied to all appropriations as a result of savings achieved under section 217 of this title.

Education.
AIDS.

SEC. 220. Notwithstanding any other provision of this Act, AIDS education programs that receive assistance from the Centers for Disease Control and other education curricula dealing with sexual activity that receive assistance under this Act—

(1) shall not be designed to promote or encourage, directly, intravenous drug abuse or sexual activity, homosexual or heterosexual; and

(2) with regard to AIDS education programs and curricula—

(A) shall be designed to reduce exposure to and transmission of the etiologic agent for acquired immune deficiency syndrome by providing accurate information; and

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse.

SEC. 221. During the twelve-month period beginning October 1, 1989, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State pursuant to section 427 or 471 of the Social Security Act, as a result of a disallowance determination made in connection with a compliance review for any Federal fiscal year preceding Federal fiscal year 1990, until all judicial proceedings, including appeals, relating to such disallowance determination have been finally concluded, nor may such funds be used to conduct further compliance reviews with respect to any State which is a party to such judicial proceeding until such proceeding has been finally concluded.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1990".

TITLE III—DEPARTMENT OF EDUCATION

Department of Education Appropriations Act, 1990.

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as amended, and by section 418A of the Higher Education Act, $5,434,777,000, of which $5,408,581,000 shall become available on July 1, 1990 and shall remain available until September 30, 1991: *Provided*, That $4,427,250,000 shall be available for basic grants under section 1005, $400,000,000 shall be available for concentration grants under section 1006, $285,938,000 shall be available for migrant education activities under subpart 1 of part D, $148,200,000 shall be available for handicapped education activities under subpart 2 of part D, and $33,197,000 shall be available for delinquent and neglected education activities under subpart 3 of part D, $50,797,000 shall be for section 1404, and $12,699,000 shall be for section 1405: *Provided further*, That no State shall receive less than $340,000 from the amounts made available under this appropriation for concentration grants under section 1006: *Provided further*, That no State shall receive less than $375,000 from the amounts made available under this appropriation for State administration grants under section 1404: *Provided further*, That funds made available under sections 1437 and 1463 may be expended by the Secretary at any time, provided that notices of proposed rules for all currently operating programs authorized under chapter 1 have been published.

From the amounts appropriated for part A of chapter 1, an amount not to exceed $125,000,000 may be obligated to carry out a new Merit Schools program and an amount not to exceed $50,000,000 may be obligated to carry out a new Magnet Schools of Excellence program only if such programs are specifically authorized in law prior to March 1, 1990.

IMPACT AID

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $717,354,000, of which $578,500,000 shall be for payments under section 3(a), $123,500,000 shall be for payments under section 3(b), and $15,354,000 shall be for payments under section 2 of said Act.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $14,998,000, which shall remain available until expended, shall be for construction and renovation of school facilities as authorized by said Act.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out the activities authorized by chapter 2 of title I, titles II, III, IV, V, and part B of title VI of the Elementary and Secondary Education Act of 1965, as amended; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; title V of the Higher Education Act, as amended; part B of title III and title IV of Public Law 100-297; section 5051 of Public Law 100-690; section 6115 and chapter 5 of subtitle A of title VI of Public Law 100-418; and the Follow Through Act, $1,232,895,000, of which $899,494,000 shall become available on July 1, 1990, and remain available until September 30, 1991, and $2,500,000 shall be for evaluation studies of the magnet schools and chapter 2 block grant programs; $8,892,000 shall be for national program activities under section 2012 and $128,440,000 shall be for State grants under part A of title II of the Elementary and Secondary Education Act; $3,964,000 shall be for grants for schools and teachers under subpart 1 and $4,500,000 shall be for family school partnerships under subpart 2 of part B of title III of Public Law 100-297; and $31,084,000 shall be for national programs under part B and $461,477,000 shall be for State and local programs under part A of chapter 2 of title I of the Elementary and Secondary Education Act.

BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

For carrying out, to the extent not otherwise provided, title VII and part D of title IV of the Elementary and Secondary Education Act, $188,674,000, of which $31,913,000 shall be for part C of title VII including not more than $2,000,000 for the support of not to exceed 200 fellowships under section 7043.

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $2,083,776,000, of which $1,564,017,000 for section 611, $255,000,000 for section 619, and $80,624,000 for section 685 shall become available for obligation on July 1, 1990, and shall remain available until September 30, 1991.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, title I of Public Law 100-407, and the Helen Keller National Center Act, as amended, $1,804,870,000, of which $32,674,000 shall be for special demonstration programs under sections 311 (a), (b), and (c) including $15,000,000 for one-time start-up grants to establish a system of regional comprehensive head injury prevention and rehabilitation centers.

SPECIAL INSTITUTIONS FOR THE HANDICAPPED

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), including provision of materials to adults undergoing rehabilitation on the same basis as provided in 1985, $5,740,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles II and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) and for activities under sec. 311 of the Rehabilitation Act of 1973, $36,553,000, of which $325,000 shall be for the endowment program as authorized under section 408 and shall be available until expended, $482,000 shall be for construction and renovation, to remain available until expended, and $900,000 shall be retained by the Secretary for the purpose of supporting a consortium of institutions to provide education and vocational rehabilitation services for low functioning adults who are deaf.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf and the partial support of Gallaudet University under titles I and IV of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), including continuing education activities, existing extension centers and the National Center for Law and the Deaf, $68,600,000, of which $1,000,000 shall be for the endowment program as authorized under section 407 and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational Education Act, the Adult Education Act and the Stewart B. McKinney Homeless Assistance Act, $1,138,040,000 which shall become available for obligation on July 1, 1990, and shall remain available until September 30, 1991, of which $23,333,000 shall be for national programs under title IV of the Carl D. Perkins Vocational Education Act including $7,083,000 for research, $11,250,000 for demonstrations, and $5,000,000 for data collection and of which $2,000,000 shall be for national programs under section 383 of the Adult Education Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A and parts C, D, and E of title IV of the Higher Education Act, as amended, $6,044,097,000 together with an additional $131,000,000 which shall be available only for unfinanced costs in the 1989-90 award year Pell Grant program: *Provided*, That $286,000,000 shall only be available if such funds are necessary to pay a maximum grant of $2,300 during the 1990-1991 program year: *Provided further*, That notwithstanding section 479A of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), student financial aid administrators shall be authorized, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and expected student or parent contribution (or both) and to use supplementary information about the financial status or personal circumstances of eligible applicants only for purposes of selecting recipients and determining the amount of awards under subpart 2 of part A, and parts B, C, and E of title IV of the Act: *Provided further*, That notwithstanding section 411(b)(6)(B) of the Higher Education Act of 1965 as amended, no basic grant under subpart 1 of part A of title IV of that Act shall be awarded to any student who is attending on a less than half-time basis for a period of enrollment beginning on or after January 1, 1990, except that any such student who received a basic grant for a period of enrollment beginning before January 1, 1990, shall be eligible to receive a basic grant for a period of enrollment beginning on or after such date from funds appropriated for fiscal year 1989: *Provided further*, That notwithstanding section 411(b)(6)(B) of the Higher Education Act of 1965 as amended, no basic grant under subpart 1 of part A of title IV of that Act shall be awarded from funds appropriated for fiscal year 1990 to any student who is attending on a less than half-time basis: *Provided further*, That any institution participating in any loan program authorized under part B of title IV of the Higher Education Act of 1965 as amended, with a default rate, as determined by the Secretary, that exceeds 30 per centum shall implement a pro rata refund policy that complies with minimum standards established by the Secretary in regulations, for any title IV aid recipient who withdraws before the earlier of six months from the beginning of the course of study for which the loan was received, or the date on which the student completes one-half of that course and these provisos, except as specifically indicated, shall apply to all fiscal year 1990 funds, which shall remain available until September 30, 1991: *Provided further*, That the maximum Pell grant that a student may receive in the 1990–91 award year shall be $2,300.

20 USC 1070a note.

GUARANTEED STUDENT LOANS

(LIQUIDATION OF CONTRACT AUTHORITY)

For payment of obligations incurred under contract authority entered into pursuant to title IV, part B, of the Higher Education Act, as amended, $3,826,314,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided for, titles I, III, IV, sections 501, 523, and subpart 1 of part D of title V, and titles XII, VI, VII, VIII, IX, and X of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961 and section 140(b) of Public Law 100–202, $632,736,000, of which up to $18,128,000 for endowment activities under section 332 of part C of title III and $22,744,000 for interest subsidies under part D of title VII shall remain available until expended: *Provided*, That $8,740,000 provided herein for carrying out subpart 6 of part A of title IV shall be available notwithstanding sections 419G(b) and 419I(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d–37(b) and 1070d–39(a)): *Provided further*, That $1,456,000 of the amount provided herein for subpart 4 of part A of title IV of the Higher Education Act shall be for an evaluation of Special Programs for the Disadvantaged to examine the effectiveness of current programs and to identify program improvements.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $182,446,000, of which $1,500,000 shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing and academic facilities loans program, the Secretary shall make expenditures, contracts, and commitments without regard to fiscal year limitation: *Provided*, That during fiscal year 1990, gross commitments for the principal amount of direct loans shall be $30,000,000.

For payment of interest on funds borrowed from the Treasury pursuant to section 761(d) of the Higher Education Act, as amended, $5,129,000, to remain available until expended.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year. For the fiscal year 1990, no new commitments for loans may be made from the fund established pursuant to title VII, section 733 of the Higher Education Act, as amended (20 U.S.C. 1132d-2).

COLLEGE HOUSING LOANS

Contracts.

Pursuant to title VII, part F of the Higher Education Act, as amended, for necessary expenses of the college housing loan program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

EDUCATION RESEARCH AND STATISTICS

For necessary expenses to carry out section 405 and section 406 of the General Education Provisions Act, as amended, $96,375,000, of which $6,000,000, to remain available until December 31, 1990, shall be for the rural education program conducted by the regional laboratories.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and title II of the Higher Education Act, $136,646,000 of which $18,900,000 shall be used to carry out the provisions of title

II of the Library Services and Construction Act which shall remain available until expended.

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $274,946,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $45,178,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $23,381,000.

GENERAL PROVISIONS

Sec. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the costs of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Sec. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

Schools and colleges.
Desegregation.

Sec. 303. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Schools and colleges.
Desegregation.

Sec. 304. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Schools and colleges. Desegregation.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Schools and colleges. Desegregation.

SEC. 305. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Religion.

SEC. 306. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1990".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $176,642,000: *Provided*, That $30,750,000 shall be available for title I of the Act, of which $25,415,000 shall be available for purposes authorized under section 501(d)(1) of the Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1992, $327,280,000 of which $76,250,000 shall be available for section 396(k)(10) of said Act: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $26,785,000.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $4,030,000.

National Commission on Acquired Immune Deficiency Syndrome

For expenses necessary for the National Commission on Acquired Immune Deficiency Syndrome as authorized by subtitle D of title II of Public Law 100-607, $1,000,000.

National Commission on Children

For necessary expenses of the National Commission on Children established by section 9136 of the Omnibus Reconciliation Act of 1987, Public Law 100-203, $940,000, which shall remain available until expended.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $750,000.

National Commission To Prevent Infant Mortality

For necessary expenses of the National Commission to Prevent Infant Mortality, established by section 203 of the National Commission to Prevent Infant Mortality Act of 1986, Public Law 99-660, $400,000, which shall remain available until expended.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by section 405 of the Rehabilitation Act of 1973, as amended, $1,557,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $140,111,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $6,384,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $5,970,000.

Physician Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,847,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prescription Drug Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1847 of the Social Security Act, $1,500,000, to be transferred to this appropriation from the Federal Catastrophic Drug Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,919,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $340,000,000, which shall include amounts becoming available in fiscal year 1990 pursuant to section 224(c)(1)(B) of Public Law 98-76: *Provided,* That the total amount provided herein shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $63,900,000, to be derived from the railroad retirement accounts: *Provided,* That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further,* That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $14,100,000 shall be apportioned for fiscal year 1990 from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON REVIEW ACTIVITY

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $3,950,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $39,287,000: *Provided,* That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, $9,375,000, to remain available until expended.

UNITED STATES BIPARTISAN COMMISSION ON COMPREHENSIVE HEALTH CARE

For necessary expenses of the United States Bipartisan Commission on Comprehensive Health Care established by section 401 of the Medicare Catastrophic Coverage Act of 1988, $467,000, which shall remain available until expended.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $7,650,000.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

For carrying out activities under Public Law 100-382, $3,250,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

Public information.
Contracts.

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by an executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

Government organization and employees.
Wages.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

Government organization and employees.

SEC. 510. The Secretaries of Labor and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 512. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 513. (a) **FINDINGS.—The Congress finds that—**

(1) illegal drug use is a serious problem of our society and educational institutions;

(2) drug use is incompatible with the educational process and destroys an atmosphere conducive to learning;

(3) our educational institutions and their administrators have traditionally been entrusted with the task of transmitting community values to their students who will lead our Nation in the future; and

(4) our educational institutions have the opportunity to enrich the lives of a significant portion of young Americans during their years in college by encouraging the study of values that enable them to distinguish right from wrong and moral from immoral.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that colleges and universities should demand drug-free campuses and should, with the support of parents, students, and the community, enforce strict but fair policies to eliminate drug use by students.

SEC. 514. (a) Not more than $26,643,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Labor; not more than $85,637,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Health and Human Services; and not more than $41,565,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory and assistance services by the Department of Education.

Reports.

(b)(1) Not later than forty-five days after the end of each fiscal quarter, the head of each department named in subsection (a) shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

SEC. 515. For purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, transfers, if any, in the following accounts are a necessary (but secondary) result of significant policy changes: Training and Employment Services; State Unemployment Insurance and Employment Service Operations; Health Resources and Services Program Operations; Alcohol, Drug Abuse, and Mental Health; Low Income Home Energy Assistance; Interim Assistance to States for Legalization; and Community Services Block Grant.

SEC. 516. Notwithstanding any other provision of this Act, no funds appropriated by this Act may be used to execute or carry out any contract with a nongovernmental entity to administer or manage a Civilian Conservation Center of the Job Corps.

SEC. 517. Notwithstanding any other provision of this Act, funds appropriated for Labor-Management Services, Salaries and Expenses are hereby reduced by $1,000,000 and funds appropriated for Employment Standards Administration, Salaries and Expenses are hereby reduced by $2,000,000.

SEC. 518. Notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Health and Human Services are hereby reduced by $15,000,000: *Provided*, That no trust fund limitation shall be reduced.

SEC. 519. Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 FR 36485), relating to the classification of rural referral centers.

Notwithstanding any other provision of law, the amount available for transfer to Health Care Financing Administration Program Management as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds are hereby reduced by $15,000,000.

Drugs and drug abuse.
AIDS.

SEC. 520. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

Communications and telecommunications.

SEC. 521. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.—(1) AMENDMENT.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsection (b) and inserting the following:

"(b)(1) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than two years, or both.

"(2) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes which is available to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

"(3) It is a defense to prosecution under paragraph (2) of this subsection that the defendant restrict access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

"(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5)(A) In addition to the penalties under paragraphs (1), (2), and (5), whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

"(ii) by the Commission after appropriate administrative proceedings.

"(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

"(c)(1) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

"(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

"(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection; or

"(B) any access permitted—

"(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

"(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

"(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.".

(2) CONFORMING AMENDMENTS.—Section 2(b) of the Communications Act of 1934 is amended by striking "section 224" and inserting "section 223 or 224". 47 USC 152.

47 USC 152 note. (3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 120 days after the date of enactment of this Act.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3566:

HOUSE REPORTS: No. 101-354 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
- Nov. 15, considered and passed House.
- Nov. 16, considered and passed Senate, amended.
- Nov. 17, House concurred in certain Senate amendments, in another with an amendment; and disagreed to another.
- Nov. 19, Senate insisted on its amendment No. 5; concurred in House amendment.
- Nov. 20, House receded and concurred in Senate amendment No. 5.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
- Nov. 21, Presidential statement.

Public Law 101-167
101st Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

Nov. 21, 1989
[H.R. 3743]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, namely:

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTIONS FOR ARREARAGES

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $6,666,667, for the United States contribution to the replenishments, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $75,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of this amount not more than $24,544,000 may be expended for the purchase of such stock in fiscal year 1990.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $31,617,983, and for the United States share of the increases in the resources of the Fund for Special Operations, $63,724,629, to remain available until ex-

Discrimination, prohibition.

pended: *Provided,* That the funds made available under this heading shall be withheld from obligation until the Secretary of the Treasury certifies that the Board of Executive Directors of the Inter-American Development Bank has adopted policies to ensure that all recipients of assistance must agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services: *Provided further,* That the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use the voice and vote of the United States to oppose any assistance by the Bank to any recipient of assistance who refuses to agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services: *Provided further,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $137,948,091, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $1,654,000, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

ANNUAL CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock, for the General Capital Increase, $50,000,795, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $958,333,333, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That $115,000,000 of the funds made available under this heading shall be withheld from obligation until January 1, 1990: *Provided further*, That such funds withheld from obligation may be obligated after January 1, 1990, only if the President certifies: (1) that the International Development Association has not provided any new loans to China since June 27, 1989, or (2) that, if such loans have been provided, the United States Government believes that such loans will support the process of increasing individual freedoms and improving human rights in China: *Provided further*, That fifteen days prior to any obligation of funds for the International Development Association, the President shall report his certification to the Committees on Appropriations of the House and Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate: *Provided further*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

China.
Loans.
Human rights.

President of U.S.
Reports.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $40,000,000, to remain available until expended: *Pro-*

vided, That no such contribution may be made while the United States Executive Director to the Asian Development Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $105,000,000, for the United States contribution to the fifth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $7,987,308 to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $134,809,613.

CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, $140,000,000 to remain available until expended: *Provided*, That such funds are available subject to authorization: *Provided further*, That none of the funds made available by this paragraph shall be available for obligation or disbursement until the Secretary of the Treasury has assured the Committees on Appropriations in writing that the current policy of the International Monetary Fund (IMF) and the United States Government requiring that all congressional inquiries to IMF employees be cleared through the office of the United States Executive Director of the IMF has been reversed thereby allowing unmonitored and unfettered contact between Congress and IMF employees.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $265,115,000: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds appropriated under this heading shall be made available only as follows: $109,510,000 for the United Nations Development Program; $65,400,000 for the United Nations Children's Fund, of which amount 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 526 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of the United Nations Children's Fund fourth quarter of operations for 1990; $980,000 for the World Food Program; $1,500,000 for the United Nations Capital Development Fund; $800,000 for the United Nations Voluntary Fund for the Decade for Women; $200,000 for the United Nations International Research and Training Institute for the Advancement of Women; $100,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $22,000,000 for the International Atomic Energy Agency; $12,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Training Program for Southern Africa; $110,000 for the United Nations Institute for Namibia; $500,000 for the United Nations Trust Fund for South Africa; $750,000 for the Convention on International Trade in Endangered Species; $220,000 for the World Heritage Fund; $100,000 for the United Nations Voluntary Fund for Victims of Torture; $245,000 for the United Nations Fellowship Program; $400,000 for the United Nations Center on Human Settlements; $500,000 for the UNIDO Investment Promotion Service; $10,000,000 for the Organization of American States; and $35,000,000 for the United States contributions to the third replenishment of the International Fund for Agricultural Development: *Provided*, That none of the funds appropriated under this heading shall be made available for the International Fund for Agricultural Development until agreement has been reached on the third replenishment of the Fund: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1990, unless otherwise specified herein, as follows:

Agency for International Development

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 103, $483,715,000: *Provided*, That up to $5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further*, That not less than $8,000,000 shall be provided for the Vitamin A Deficiency Program: *Provided further*, That, notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this heading shall be made available, and remain available until expended, for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations: *Provided further*, That not less than $1,000,000 shall be available for a Farmer-to-Farmer program for Poland, notwithstanding any other provision of law.

POPULATION, DEVELOPMENT ASSISTANCE

Abortion.

For necessary expenses to carry out the provisions of section 104(b), $220,000,000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

Grants.
Discrimination, prohibition.

HEALTH, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(c), $125,994,000.

INTERNATIONAL AIDS PREVENTION AND CONTROL PROGRAM

For necessary expenses to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, $42,000,000, which shall be made available only for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries: *Provided*, That of the funds made available under this heading $21,000,000 shall be provided directly to the World Health Organization for its use in financing the Global

Program on AIDS, including activities implemented by the Pan American Health Organization.

CHILD SURVIVAL FUND

For necessary expenses to carry out the provisions of section 104(c)(2), $71,000,000.

EDUCATION AND HUMAN RESOURCES

DEVELOPMENT, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 105, $134,541,000: *Provided,* That $1,500,000 of the funds appropriated under this heading shall be made available for the Caribbean Law Institute: *Provided further,* That not less than $67,270,000 of the funds appropriated under this heading and under the heading "Sub-Saharan Africa, Development Assistance" shall be available only for programs in basic primary and secondary education: *Provided further,* That in fiscal year 1990 the Agency for International Development shall initiate three new bilateral projects in basic primary and secondary education, at least two of which shall be initiated in Sub-Saharan Africa: *Provided further,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available for the International Student Exchange Program, of which $2,000,000 shall be available, notwithstanding any other provision of law, for students from Poland and Hungary: *Provided further,* That not less than $1,200,000 of the funds appropriated under this heading shall be made available for leadership programs for the Americas that have a demonstrated record of performance: *Provided further,* That not less than $2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for technical training for the people of Poland and Hungary in skills which would foster the development of a market economy and the private sector, including training in management and agricultural extension: *Provided further,* That not less than $3,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for educational and cultural exchanges with Poland and Hungary, which shall be undertaken in cooperation with the United States Information Agency.

PRIVATE SECTOR, ENVIRONMENT, AND ENERGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $149,209,000: *Provided,* That not less than $7,500,000 shall be made available only for cooperative projects among the United States, Israel and developing countries of which not less than $5,000,000 shall be made available for the Cooperative Development Program, and of which not less than $2,500,000 shall be made available for cooperative development research projects: *Provided further,* That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project: *Provided further,* That not less than $2,000,000 of the funds appropriated under this heading or under the heading "Sub-Saharan Africa, Development Assistance", shall be made available for assistance in support of elephant conservation and preservation: *Provided further,* That not

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less than $3,300,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for assistance to establish an air quality monitoring network in the Krakow, Poland metropolitan area, to improve water quality and the availability of drinking water in the Krakow metropolitan area, and to establish and support a regional environmental center in Budapest, Hungary for facilitating cooperative environmental activities, which activities shall be undertaken in cooperation with the Environmental Protection Agency: *Provided further,* That not less than $10,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for support for retrofitting a coal-fired commercial plant in the Krakow, Poland region with clean coal technology and for assistance to assess and develop the capability within Poland to manufacture or modify equipment that will enable industrial activities within Poland to use fossil fuels cleanly, which activities shall be undertaken in cooperation with the Department of Energy: *Provided further,* That the Administrator of the Agency for International Development or his designee may vest title in any property acquired under the previous two provisos in an entity other than the United States: *Provided further,* That not less than $1,500,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the provision of technical assistance to Poland and Hungary (1) for the implementation of labor market reforms, and (2) to facilitate adjustment during the period of transition to free labor markets and labor organizations, which activities shall be undertaken in cooperation with the Department of Labor and United States labor and business representatives.

SCIENCE AND TECHNOLOGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $8,662,000.

MICRO-ENTERPRISE DEVELOPMENT

Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $75,000,000 shall be made available for programs of credit and other assistance for micro-enterprises in developing countries: *Provided,* That local currencies which accrue as a result of assistance provided to carry out the provisions of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 may be used for assistance for micro-enterprises: *Provided further,* That such local currencies which are used for this purpose shall be in lieu of funds earmarked under this heading and shall reduce the amount earmarked for assistance for micro-enterprises by an equal amount.

POLAND AND HUNGARY

Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $45,000,000 shall be made available for Poland and not less than $5,000,000 shall be made available for Hungary, which funds shall be used in support of the private sector and other economic development programs: *Provided*, That funds made available under this heading shall remain available until September 30, 1991.

SUB-SAHARAN AFRICA, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106 and section 121 of the Foreign Assistance Act of 1961, $565,000,000, for assistance only for Sub-Saharan Africa, which shall be in addition to any amounts otherwise available for such purposes: *Provided*, That the authorities contained under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), shall be applicable to amounts appropriated under this heading until an Act authorizing assistance for such purposes for the fiscal year 1990 is enacted into law: *Provided further*, That not less than $50,000,000 of the funds appropriated under this heading shall be made available only to assist activities supported by the Southern Africa Development Coordination Conference: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

ZAIRE

Funds appropriated to carry out chapter 1 of part I which are allocated for Zaire shall be made available through private and voluntary organizations to the maximum extent practicable.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $3,000,000 shall be made available for programs and activities for children who have become orphans as a result of the effects of drought, civil strife, and other natural and man-made disasters: *Provided*, That assistance under this heading shall be made available in accordance with the policies and general authorities contained in section 491 of the Foreign Assistance Act of 1961.

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for assistance for the provision of prostheses and related assistance for civilians who have been injured as a result of civil strife and warfare: *Provided*, That this amount shall be derived in equal amounts from part I and from chapter 4 of part II.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $5,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than $3,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided*, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

PRIVATE AND VOLUNTARY ORGANIZATIONS

22 USC 2151u note.

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

PRIVATE SECTOR REVOLVING FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, not to exceed $5,000,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1990, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed $3,500,000.

During fiscal year 1990, total commitments to guarantee loans shall not exceed $46,115,020 of contingent liability for loan principal.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, $35,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, $25,000,000, to remain available until expended: *Provided*, That not less than $500,000 of the funds appropriated under this heading may be made available for assistance for children who have become orphans as a result of natural disasters.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $40,147,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $437,000,000: *Provided*, That not more than $15,000,000 (except that payment may be made under this limitation only for those categories of services for which charges have been made under Foreign Affairs Administrative Support both in prior years and in the current year) of this amount shall be for Foreign Affairs Administrative Support.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $31,000,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further*, That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further*, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and forty at September 30, 1990.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

During the fiscal year 1990, total commitments to guarantee loans shall not exceed $125,000,000 of contingent liability for loan principal: *Provided*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject only to the availability of qualified applicants for such guarantees: *Provided further*, That guarantees issued under this heading shall guarantee 100 per centum of the principal and interest payable on such loans: *Provided further*, That no loans guaranteed under this heading shall be issued or held by the Federal Financing Bank: *Provided further*, That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961 borrowing authority provided therein may be exercised in such amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1990: *Provided further*, That section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1991": *Provided further*, That notwithstanding the prior limitation on total commitments to guarantee loans at not to exceed $125,000,000, during the fiscal year 1990, total commitments to guarantee loans shall not exceed $100,000,000 of contingent liability for loan principal.

President of U.S.
Loans.

22 USC 2182.

ECONOMIC SUPPORT FUND

Egypt.

President of U.S.

22 USC 2346c.

For necessary expenses to carry out the provisions of chapter 4 of part II, $3,205,000,000: *Provided*, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1989, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That sufficient Egyptian pounds generated from funds made available under this heading or any other heading of this Act shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978 (which provide for local currency requirement for programs of the United States in Egypt to be made available to the United States in the manner requested by the United States Government), to enable the United States Embassy in Cairo to restore the endowment entitled "U.S. Government Trustee" to the Egyptian pound equivalent level, at the commercial rate of exchange, of $50,000,000, the level of endowment established by Congress in Public Law 99-88: *Provided further*, That an additional 20,000,000 Egyptian pounds generated from the same sources shall be made available pursuant to the same agreements to enable the United States Embassy in Cairo to establish an endowment to support other United States educational programs in Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That of the funds appropriated under this heading and allocated for El Salvador, up to $1,500,000 (or the equivalent in local currencies generated with funds provided to El Salvador under this heading) may be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, to assist the Government of El Salvador's Special Investigative Unit, including for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further*, That section 534(e) of the Foreign Assistance Act of 1961 is amended by (1) striking "each of fiscal years 1988 and 1989" and inserting in lieu thereof "fiscal year 1990"; and (2) striking "September 30, 1989" and inserting in lieu thereof "September 30, 1990": *Provided further*, That not less than $12,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Asia and Near East regional program: *Provided further*, That not less than $35,000,000 of the funds appropriated under this heading shall be made available for Jordan: *Provided further*, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus: *Provided further,* That not less than $230,000,000 of the funds appropriated under this heading shall be made available for Pakistan: *Provided further,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available for Morocco: *Provided further,* That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further,* That prior to the initial obligation of assistance for El Salvador from funds appropriated under this heading, the President shall report to the Congress on the extent to which the Government of El Salvador has made demonstrable progress in settling outstanding expropriation claims of American citizens in compliance with the judgment of the Supreme Court of El Salvador: *Provided further,* That the total amount of assistance provided for any country in Central America under this heading and to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall not be reduced, from amounts allocated to such country for such purposes for fiscal year 1989, by a percentage greater than the percentage reduction from amounts allocated for any other country in Central America for such purposes for such fiscal year: *Provided further,* That if funds made available under this heading are provided to a foreign country as cash transfer assistance, that country shall be required to maintain these funds in a separate account and not commingle them with any other funds: *Provided further,* That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with such funds shall be treated in accordance with section 592 of this Act: *Provided further,* That at least fifteen days prior to obligating any such assistance to a foreign country under this heading, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance): *Provided further,* That not more than $5,000,000 of the funds appropriated under this heading may be made available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further,* That notwithstanding any other provision of law, none of the funds appropriated under this heading may be used for tied aid credits without the prior approval of the Administrator of the Agency for International Development: *Provided further,* That, except as provided by this Act, none of the funds appropriated under this heading by this Act or prior foreign assistance appropriations Acts, shall be made available for tied aid credits in accordance with any provision of law enacted after May 19, 1988: *Provided further,* That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the humanitarian relief, medical treatment, education and voca-

President of U.S.
Reports.
Claims.

22 USC 2346
note.

President of U.S.

tional training of victims of the Armenian earthquake of December 7, 1988, which amount shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations: *Provided further,* That $2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the provision of medical supplies and hospital equipment to Poland, including expenses of purchasing, transporting, and distributing such supplies and equipment, and for training Polish medical personnel: *Provided further,* That $1,500,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, only to support Solidarity through the AFL-CIO's Free Trade Union Institute to promote democratic activities in Poland: *Provided further,* That not less than $200,000,000 of the funds appropriated under this heading shall be available, notwithstanding any other provision of law, for Poland: *Provided further,* That $2,500,000 of the funds appropriated under this heading shall be available, notwithstanding any other provision of law, to support independent, democratic organizations and activities in Poland and Hungary: *Provided further,* That funds made available under this heading shall remain available until September 30, 1991.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II, $20,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided,* That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That funds made available under this heading shall remain available until expended.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $160,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided,* That not less than 75 per centum of the funds appropriated under this heading shall be made available for project and sector activities consistent with the purposes of sections 103 through 106 of such Act: *Provided further,* That the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $20,000,000 of the funds appropriated under this heading and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further,* That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of such Act may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961: *Provided further,* That any funds transferred to carry out the purposes of this heading shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further,* That

President of U.S.

of the total amount of funds transferred to carry out the purposes of this heading not less than 50 per centum shall be derived from funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act: *Provided further*, That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading shall remain available until September 30, 1991: *Provided further*, That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures of the Committees on Appropriations.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $9,000,000: *Provided*, That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made. This provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further*, That section 507(a)(1) of the African Development Foundation Act is amended by adding at the end thereof the following: "Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.": *Provided further*, That the amendment to section 507(a)(1) of such Act shall not affect an appointment made to the Board prior to the date of enactment of this Act: *Provided further*, That section 511 of the African Development Foundation Act is repealed.

22 USC 209h-5.

22 USC 290h-5 note.

22 USC 290h-9.

INTER-AMERICAN FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,932,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1990 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $20,000,000.

During the fiscal year 1990, total commitments to guarantee loans shall not exceed $215,000,000 of contingent liability for loan principal: *Provided,* That not less than $40,000,000 of such amount shall be used for projects for Poland, notwithstanding any other provision of law.

Loans.

Except as provided in this Act, no provision of any other Act not enacted into law by May 19, 1988, shall be construed to require the exercise of authority to provide direct loans or to make commitments to guarantee loans contrary to the limitations contained under this heading.

PEACE CORPS

Abortion.

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $168,614,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated under this heading shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $115,000,000: *Provided,* That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts: *Provided further,* That of the funds made available under this heading, such funds as the President deems necessary may be made available for the funding of United States participation in a multilateral anti-narcotics strike force not including any Communist or Warsaw Pact troops: *Provided further,* That funds for such a force may only be provided if the Committees on Appropriations of the House of Representatives and of the Senate are notified at least 15 days in advance of the obligation of funds.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $370,000,000: *Provided,* That not less than $25,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That funds appropriated under this heading shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further,* That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: *Provided further,* That of the funds appropriated under this heading not less than $15,000,000 shall be available for Refugee Entrant Assistance: *Provided further,* That of the funds appropriated under this heading not less than $46,000,000 shall be made available for the refugee admission program for first asylum refugees from East Asia: *Provided further,* That section 584(a)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking "8 months" and inserting "one year": *Provided further,* That of the funds appropriated under this heading not less than $1,500,000 shall be made available for a Thailand-Cambodia border refugee protection program: *Provided further,* That of the funds appropriated under this heading not less than $1,500,000 shall be made available for the antipiracy program, none of which funds shall be used by any government to deny asylum to individuals seeking asylum: *Provided further,* That not less than $10,000,000 shall be made available to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey: *Provided further,* That section 584(a)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking "during the 2-year period beginning 90 days after the date of the enactment of this Act" and inserting "during the period beginning on March 22, 1988, and ending on September 30, 1990": *Provided further,* That the sixth proviso under Migration and Refugee Assistance, Department of State, in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 is amended by striking "before the end of the 2-year period" and inserting "before the end of the period": *Provided further,* That not more than $8,250,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further,* That of the funds appropriated under this heading, $250,000 shall be made available, notwithstanding any other provision of law, for food, medicine, medical supplies, medical training, clothing, and other humanitarian assistance for displaced Burmese students at camps on the border with Thailand.

8 USC 1101 note.

8 USC 1101 note.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $10,017,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $47,400,000: *Provided,* That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,297,404,194: *Provided,* That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, not less than $230,000,000 shall be available for grants only for Pakistan, and not less than $48,000,000 shall be available for grants only for Jordan: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $400,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further,* That grants provided with funds made available by this paragraph shall be implemented by grant documents which do not include a requirement to repay the United States Government, notwithstanding any requirement in section 23 of the Arms Export Control Act.

Grants.

For expenses necessary for loans to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $406,000,000: *Provided,* That any funds made available by this paragraph, except as otherwise specified, may be made available at concessional rates of interest: *Provided further,* That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures: *Provided further,* That during fiscal year 1990, gross obligations for the principal amount of direct loans under this heading, exclusive of loan guarantee defaults, shall not exceed $406,000,000.

Of the funds appropriated under this heading $500,000,000 only shall be available for Turkey and $350,000,000 only shall be available for Greece and, if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants: *Provided,* That funds previously obligated for the Philippines under the heading "Foreign Military Credit Sales" but uncommitted on the date of enactment of this Act shall be used at any time hereafter only to finance sales made under the Arms Export Control Act: *Provided further,* That of the funds appropriated under this heading not more than $85,000,000 shall be available for El Salvador: *Provided further,* That of the funds appropriated under this heading not more than $9,000,000 shall be available for non-lethal assistance for Guatemala: *Provided further,* That of the funds appropriated under this heading, except through the regular notification procedures of the Committees on Appropriations, not more than $3,000,000 shall be available for Zaire: *Provided further,* That of the funds appropriated under this heading $43,000,000 shall be available for Morocco: *Provided further,* That of the funds appropriated under this heading $30,000,000 shall be available for countries in sub-Saharan Africa: *Provided further,* That none of the funds appropriated under this heading shall be available for Sudan or Somalia, except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That not more than $687,404,194 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That any material assistance provided with funds appropriated under this heading for Haiti shall be limited to non-lethal items such as transportation and communications equipment and uniforms: *Provided further,* That funds made available under this heading for Haiti shall be made available only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That any reference in title V of this Act to "Foreign Military Credit Sales" shall be deemed to be a reference to grants and loans pursuant to the Foreign Military Financing Program under this heading: *Provided further,* That not more than $39,000,000 of the funds appropriated under this heading may be obligated for necesary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That section 515(d) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the word "chapter" the phrase "or the Arms Export Control Act",

Contracts.

22 USC 2321i.

22 USC 2396.

and section 636(g) of that Act is amended by inserting immediately after the phrase "for the purposes of part II" the phrase "or the Arms Export Control Act".

FOREIGN MILITARY SALES DEBT REFORM

22 USC 2764 note.

Funds made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, for obligation and expenditure after October 1, 1988, subject to a Presidential budget request, under the heading "Foreign Military Sales Debt Reform", subsection (b) "Interest Rate Reduction" shall be available, subject to the same conditions and provisos, only after October 1, 1990: *Provided*, That such subsection and subsection (a) under such heading are amended by striking "ten" in all places in which that word appears and inserting in lieu thereof "eight".

22 USC 2764 note.

Securities.

GUARANTY RESERVE FUND

If during fiscal year 1990 the funds available in the Guaranty Reserve Fund (Fund) are insufficient to enable the Secretary of Defense (Secretary) to discharge his responsibilities, as guarantor of loans guaranteed pursuant to section 24 of the Arms Export Control Act (AECA) or pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, under the heading "Foreign Military Sales Debt Reform", the Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or obligations may be redeemed by the Secretary from appropriations and other funds available, including repayments by the borrowers of amounts paid pursuant to guarantees issued under section 24 of the AECA. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this heading. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

Public debt.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed $280,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1990, to remain available for obligation until September 30, 1992: *Provided*, That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, $33,377,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

Contracts.

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $615,000,000: *Provided*, That gross obligations for the principal amount of direct loans pursuant to the medium-term financing program shall not exceed $215,000,000: *Provided further*, That the interest subsidy authority and the tied aid grants authority provided under this heading are subject to authorization: *Provided further*, That there are hereby appropriated $110,000,000 to be made available for tied aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended, or, at the discretion of the Chairman of the Export-Import Bank, in accordance with the Trade and Development Enhancement Act of 1983, as amended: *Provided further*, That there are hereby appropriated $20,000,000 to be made available for interest subsidy payments in accordance with the Export-Import Bank Act of 1945, as amended: *Provided further*, That none of the funds appropriated under this heading for interest subsidy payments may be used in conjunction with any loan guaranteed from authority provided under this heading: *Provided further*, That the funds made available under this heading for both grant and subsidy purposes shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That $110,000,000 of the funds made available for tied aid grant purposes and $20,000,000 of the funds made available for interest subsidy payments shall be subject to the limitation on the gross obligations for the principal amount of direct loans specified under this heading: *Provided further*, That funds made available for grants or interest subsidy payments shall be made available only as authorized by law: *Provided further*, That loan guarantee authority available to the Export-Import Bank of the United States may be used by the Bank to participate in the financing of commercial sales of defense articles and services destined for Greece and Turkey, notwithstanding any other provision of law: *Provided further*, That the authority provided by the previous proviso shall not be used for the procurement of defense articles or services for use on Cyprus: *Provided further*, That during the fiscal year 1990, total commitments to guarantee loans shall not exceed $10,384,000,000 of contingent liability for loan principal: *Provided further*, That the direct loan, tied aid grant and interest subsidy authority provided under this heading shall remain available until September 30, 1991.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $22,000,000 (to be computed on an accrual basis) shall be available during fiscal year 1990 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for official reception and representation expenses for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $30,000,000: *Provided*, That except as provided in this or any other Act appropriating funds for foreign operations, export financing, and related programs, no provision of law enacted after May 19, 1988, may transfer funds to, or otherwise make available funds for, the Trade and Development Program.

AGENCY FOR INTERNATIONAL DEVELOPMENT

TRADE CREDIT INSURANCE PROGRAM

During fiscal year 1990, total commitments to guarantee or insure loans for the "Trade Credit Insurance Program" shall not exceed $200,000,000 of contingent liability for loan principal for Central America and, notwithstanding any other provision of law, not to exceed $200,000,000 of contingent liability for loan principal for Poland pursuant to the authorities of section 224 of the Foreign Assistance Act of 1961: *Provided*, That section 224(c) of the Foreign

Assistance Act of 1961 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990". 22 USC 2184.

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

Contracts.

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $11,500 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $115,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,875 shall be available for entertainment expenses and not to exceed $75,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,875 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,600 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,300 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

Loans. Insurance. Reports.

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: *Provided further*, That such prohibition shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States and so reports to Congress.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1990, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United

States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

Loans.

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act for any narcotics-related activities in Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961, as amended, or the Arms Export Control Act.

FINANCIAL INSTITUTIONS—NAMES OF BORROWERS

Loans.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

FINANCIAL INSTITUTIONS—DOCUMENTATION

Classified information.

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

Loans.

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SURPLUS COMMODITIES

Minerals and mining.
Exports.
22 USC 262h.

SEC. 522. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 523. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Agriculture, rural development, and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "International AIDS Prevention and Control Program", "Education and human resources development, Development Assistance", "Private Sector, environment, and energy, Development Assistance", "Science and technology, Development Assistance", "Sub-Saharan Africa, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961 or of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

CONSULTING SERVICES

Contracts.

SEC. 524. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 525. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 526. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), the Southwest Africa People's Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1991.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group

that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

UNITED NATIONS VOTING RECORD

Reports.
22 USC 2414a.

SEC. 527. (a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete annual report which assesses for the prior calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) FORMAT.—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the March 14, 1988, Report to Congress on Voting Practices in the United Nations.

(d) STATEMENT BY THE SECRETARY OF STATE.—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The following provisions of law are repealed:

(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. 964). 22 USC 2414a.

(2) Section 530 of the Foreign Assistance and Related Programs Appropriations Act, 1985 (Public Law 98-473, 98 Stat. 1837). 22 USC 2414a.

(3) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. 1185). 22 USC 2414a.

(4) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341). 22 USC 2414a.

(5) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329). 22 USC 2414a.

(6) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as enacted by Public Law 100-461 (101 Stat. 2268). 22 USC 2414a.

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 528. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 529. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 530. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 531. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 532. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

ENVIRONMENTAL CONCERNS

Conservation.
Energy.
22 USC 262*l*.

SEC. 533. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Directors of each multilateral development bank (MDB) to promote vigorously within each MDB the expansion of programs in areas which address the problems of global climate change through requirements to—

(1) augment and expand the professional staff of each MDB with expertise in end-use energy efficiency and conservation and renewable energy;

(2) develop methodologies which allow borrowing countries to include investments in end-use energy efficiency and renewable energy as explicit alternatives in the "least cost" energy sector investments plans they prepare with MDB assistance. Such plans shall give priority to projects and programs which support energy conservation, end-use efficiency and renewable energy sources in major economic sectors, and shall compare the economic and environmental costs of those actions with the economic and environmental costs of investments in conventional energy supplies;

(3) provide analysis for each proposed loan to support additional power generating capacity, comparing the economic and environmental costs of investments in demand reduction, including energy conservation and end-use energy efficiency, with the economic and environmental costs of the proposal;

(4) assure that systematic, detailed environmental impact assessments (EIA) of proposed energy projects, or projects with potential significant environmental impacts, are conducted early in the project cycle. Assessments should include but not be limited to—

(A) consideration of a wide range of alternatives to the proposed project including, where feasible, alternative investments in end-use energy efficiency and non-conventional renewable energy; and

(B) encouragement and adoption of policies which allow for public participation in the EIA process;

(5) include environmental costs in the economic assessment of the proposed projects with significant potential environmental impacts, or power projects, and if possible for all projects which involve expansion of generating capacity of more than 10 MW, develop a standard increase in project cost as a surrogate for the environmental costs;

(6) encourage and promote end-use energy efficiency and renewable energy in negotiations of policy-based energy sector lending, and MDBs should consider not proceeding with policy-based sector loans which do not contain commitments from the borrowing country to devote a significant portion of its sector investments toward energy efficiency and renewable energy;

(7) provide technical assistance as a component of all energy sector lending to help borrowing countries identify and pursue end-use energy efficiency investments. This technical assistance shall include support for detailed audits of energy use and the development of institutional capacity to promote end-use energy efficiency and conservation;

(8) work with borrowing countries, with input from the public in both borrowing and donor countries, to develop loans for end-use energy efficiency and renewable energy, where possible "bundling" small projects into larger, more easily financed projects; and

(9) seek the convening of a special seminar for board members and senior staff of each MDB concerning alternate energy investment opportunities and end-use energy efficiency and conservation.

(b) The Secretary of the Treasury as a part of the annual report to the Congress shall describe in detail, progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a), including in particular—

(1) efforts by the Department of Treasury to assure implementation by each of the MDBs of programs substantially equivalent to those set out in this section, and results of such efforts;

(2) progress made by each MDB in drafting and implementing least cost energy plans for each recipient country which meets requirements outlined in subsection (a)(2);

(3) the absolute dollar amounts, and proportion of total lending in the energy sector, of loans and portions of loans, approved by each MDB in the previous year for projects or programs of

end-use energy efficiency and conservation and renewable energy.

(c) Not later than April 1, 1990, the Secretary of the Treasury shall request each MDB to prepare an analysis of the impact its current forestry sector loans will have on borrowing country emissions of CO_2 and the status of proposals for specific forestry sector activities to reduce CO_2 emissions.

(d)(1) The Administrator of the Agency for International Development shall issue guidance to all Agency missions and bureaus detailing the elements of a "Global Warming Initiative" which will emphasize the need to reduce emissions of greenhouse gases, especially CO_2, through strategies consistent with their continued economic development. This initiative shall emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end-use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

(2) The Agency for International Development shall—

(A) increase the number and expertise of personnel devoted to end-use energy efficiency, renewable energy, and environmental activities in all bureaus and missions;

(B) devote increased resources to technical training of mission directors, in energy planning, energy conservation, end-use energy efficiency, renewable energy, reforestation, and biodiversity;

(C) accelerate the activities of the Multi-Agency Working Group on Power Sector Innovation to enable completion of case studies of at least ten countries in fiscal year 1990; and

(D) devote at least 10 percent of the resources allocated for forestry activities to the preservation and restoration (as opposed to management for extraction) of natural forests.

(3) Funds appropriated by this Act to carry out the provisions of sections 103 to 106 of the Foreign Assistance Act of 1961 may be used to reimburse the full cost of technical personnel detailed or assigned to, or contracted by, the Agency for International Development to provide expertise in the environmental sector.

(4)(A) Section 119(b) of the Foreign Assistance Act of 1961 is amended by inserting ", notwithstanding section 660," after "this part". 22 USC 2151g.

(B) Not less than $10,000,000 of the funds appropriated to carry out the provisions of sections 103 through 106 of such Act (including funds for sub-Saharan Africa) shall be made available for biological diversity activities, of which $2,000,000 shall be made available for the Parks in Peril project, pursuant to the authority of section 119(b) and $1,000,000 shall be available for the National Science Foundation's international biological diversity program.

(C) Funds obligated in prior fiscal years pursuant to the authority of section 119(b) may be expended in fiscal year 1990 pursuant to the authority of such section as amended by subparagraph (A).

(e) The Secretary of the Treasury shall—

(1) instruct the United States Executive Directors to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the Asian Development Bank, and the International Monetary Fund, to actively support lending portfolios which allow debtor develop-

ing countries to reduce or restructure debt in concert with the sustainable use of their natural resources. As a part of any such debt restructuring program, the United States Executive Director should require a thorough review of opportunities this initiative may offer for providing additional financial resources for the management of natural resources. The Secretary shall submit a report to the Committees on Appropriations on the progress of this program by April 30, 1990;

Reports.

(2) instruct the United States Executive Directors to the international financial institutions to seek the support of other donor countries in the implementation of this policy; and

(3) instruct the United States Executive Director to the International Bank for Reconstruction and Development to actively seek the implementation by the World Bank of the recommendations set forth in its April 1, 1988, report on "Debt-for-Nature swaps", including the setting up of a pilot debt-for-nature swap program in one or more interested countries. The Secretary shall submit a progress report on the implementation of this program to the Committees on Appropriations by April 1, 1990.

Reports.

(f) The Secretary of the Treasury shall seek to incorporate natural resource management initiatives throughout the implementation of the Brady Plan. The Secretary shall submit to the Committees on Appropriations a report by April 15, 1990, describing how such initiatives have been incorporated into the Brady Plan and identifying any such initiatives undertaken to date.

Reports.

(g) The Secretary of the Treasury shall instruct the United States Executive Director to the Inter-American Development Bank to—

(1) seek implementation of the environmental reform measures agreed to as part of the Bank's 7th Replenishment;

(2) seek adoption of Bank policies regarding indigenous people, relations with nongovernmental organizations, and the protection of wildlife and unique natural and cultural features:

(3) require the Bank to demonstrate how it has improved, and will improve, the monitoring of environmental and social components of loans; and

(4) within four months after the date of enactment of this Act report to the Committees on Appropriations on the progress the Bank has made in implementing each of these reforms.

Reports.

GLOBAL WARMING INITIATIVE

Developing countries.

SEC. 534. (a) TROPICAL FORESTRY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to tropical forestry, the Agency for International Development shall focus tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases related to global warming as a result of industrialization and the burning of fossil fuels, and destruction of tropical forests.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation makes a significant contribution to global warming, except that such assist-

ance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) In providing assistance relating to tropical forests, the Administrator of that Agency shall, to the extent feasible and appropriate, assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry.

(b) ENERGY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to energy, the Agency for International Development shall focus energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases. Such assistance shall be focused on improved energy efficiency, increased use of renewable energy resources and national energy plans (such as least-cost energy plans) which include investment in end-use efficiency and renewable energy resources.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting energy programs aimed at reducing emissions of greenhouse gases related to global warming with regard to the key countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) It is the sense of the Congress that the Agency for International Development should increase its efforts in the fields of energy efficiency, renewable energy, and energy planning. Such increase should take place with respect to key countries and countries with large Economic Support Fund project assistance. Such efforts should include—

(A) an increase in the number of Agency for International Development staff with energy expertise, including staff with expertise in renewable energy technologies and end-use efficiency;

(B) assistance to develop analyses of energy-sector actions that could minimize emissions of greenhouse gases at least cost, while at the same time meeting basic economic and social development needs. Such assistance should include country-specific analyses which compare the economic and environmental costs of actions to promote energy efficiency and nonconventional renewable energy with the economic and environmental costs of investments to provide additional conventional energy supplies;

(C) assistance to develop energy-sector plans that employ end-use analysis and other techniques to identify the most cost-effective actions to minimize increased reliance on fossil fuels, ensuring to the maximum extent feasible that nongovernmental organizations and academic institutions are involved in this planning;

(D) insuring that AID energy assistance—including support for private-sector initiatives—is consistent with the analyses and plans described in subparagraphs (B) and (C) above, and that environmental impacts (including that on global warming) and alternatives have been fully analyzed;

(E) assistance to improve efficiency in the production, transmission, distribution, and use of energy. Such assistance should focus on the development of institutions to (i) promote energy efficiency in all sectors of energy production and use, (ii) provide training and technical assistance to help energy producers and users identify cost-effective actions to improve energy efficiency, (iii) finance specific investments in energy efficiency in all sectors of energy production and use, and (iv) improve local capabilities in the research, development, and sale of energy efficient technologies;

(F) assistance in exploiting nonconventional renewable energy resources, including wind, solar, small-hydro, geothermal, and advanced biomass systems. This assistance should also promote efficient use of traditional biomass fuels through improved fuelwood management and improved methods of charcoal production;

(G) expanding efforts to meet the energy needs of the rural poor through the methods described in subparagraphs (E) and (F). Specifically these efforts should promote improved efficiency in the use of biomass fuels for household energy, improved systems of fuelwood management, and the development of the nonconventional renewable energy systems described in subparagraph (F);

(H) encouraging host countries to sponsor meetings with officials from the United States utility sector who are leaders in energy efficiency and other United States experts to discuss the application of least-cost planning techniques;

(I) developing a cadre of United States experts from industry, academia, nonprofit organizations, and government agencies capable of providing technical assistance to developing countries concerning energy policy and planning, energy efficiency and renewable energy resources;

(J) in cooperation with the Department of Energy, the Environmental Protection Agency, the World Bank, and the Development Assistance Committee of the OECD, supporting research concerning the ways developing nations can meet their energy needs while minimizing global warming and how to meet those needs; and

(K) strengthening the Agency for International Development's partnership with the Department of Energy in order to ensure that the Agency's energy efforts take full advantage of United States expertise and technology.

(c) Reports and Authorities.—(1) The Agency for International Development, in consultation with the Environmental Protection Agency (EPA), the Department of State, and other appropriate agencies, shall submit to Congress no later than April 15, 1990, a report which (1) examines the potential contributions of developing countries to future global emissions of greenhouse gases under different economic growth scenarios, (2) estimates the relative contributions of those countries to global greenhouse gas emissions, and (3) identifies specific key countries which stand to contribute significantly to global greenhouse gas emissions, and in which actions to promote energy efficiency, reliance on renewable energy resources, and conservation of forest resources could significantly reduce emissions of greenhouse gases. This report should utilize existing data, including the models and methodologies already developed by the EPA for their report to Congress on policy options for stabilizing global climate.

(2) Of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as

amended, the Agency for International Development may use such amounts as may be necessary to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full costs of employees detailed or assigned to the Agency for International Development for the purpose of carrying out activities relating to forestry and energy programs aimed at reducing emissions of greenhouse gases related to global warming. Personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

Government organization and employees.

(d) EXPORT-IMPORT BANK.—(1) Of the financing provided by the Export-Import Bank that is utilized for the support of exports for the energy sector, the Bank shall seek to provide not less than 5 per centum of such financing for renewable energy projects.

Energy. 12 USC 635g note.

(2) The Export-Import Bank shall take all appropriate steps to finance information exchanges and training whose purpose it is to help link United States producers in the renewable energy sector with assistance programs and potential foreign customers.

(3) Beginning on April 15, 1990, the Chairman of the Export-Import Bank shall submit an annual report to the Committees on Appropriations on the Bank's implementation of this subsection.

Reports.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 535. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 536. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, not less than $70,000,000 shall be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law: *Provided*, That of the funds appropriated under the heading "Private Sector, Environment, and Energy, Development Assistance", $13,500,000 shall be transferred to "International Organizations and Programs" and made available only for the United Nations Afghanistan Emergency Trust Fund.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 537. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

EL SALVADOR—INVESTIGATION OF MURDERS

President of U.S.
Reports.
Michael Hammer.
Mark Pearlman.
Jose Rodolfo Viera.

SEC. 538. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders, and (3) pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador, and to obtain a verdict.

REFUGEE RESETTLEMENT

SEC. 539. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

IMMUNIZATIONS FOR CHILDREN

SEC. 540. The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990.

ETHIOPIA—FORCED RESETTLEMENT, VILLAGIZATION

SEC. 541. None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SUDAN, SOMALIA, LEBANON, LIBERIA, AND ZAIRE NOTIFICATION REQUIREMENTS

SEC. 542. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Uganda, Liberia, Lebanon, Zaire, or Somalia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 543. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961, as amended.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 544. Of the funds made available by this Act for assistance for health, child survival, and AIDS, up to $6,000,000 may be used to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full cost of employees detailed or assigned, as the case may be, to the Agency for International Development for the purpose of carrying out child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

Government organization and employees.

CHILE—LOANS FROM MULTILATERAL DEVELOPMENT INSTITUTIONS

SEC. 545. (a) It is the sense of Congress that pursuant to section 701 of the International Financial Institutions Act of 1977, the United States Government should oppose all loans to Chile from international financial institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) Except for programs under section 534(b) (4) or (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society, assistance for which programs may be made available notwithstanding section 726 of the International Security and Development Cooperation Act of 1981, and assistance under subsection (c) of this section, none of the funds made available by this Act for "Economic Support Fund" or for title III shall be obligated or expended for Chile.

(c)(1) The Congress supports the democratic transition underway in Chile, and intends to assist the new democratically elected government, following its inauguration in March of 1990, with assistance to—

(A) strengthen democratic institutions; and

(B) establish a new relationship with the Chilean armed forces appropriate to a democratic system of government.

(2) Of the funds appropriated by this Act under the heading "International Military Education and Training", up to $50,000 may be made available for Chile for fiscal year 1990, subject to the following conditions—

(A) a civilian, democratically elected President is in power in Chile and has requested such funds;

(B) internationally recognized human rights are being respected and the civilian government is exercising independent and effective authority; and

Orlando Letelier.
Ronni Moffitt.

(C) the Government of Chile is making good-faith efforts in attempting to resolve the murders of Orlando Letelier and Ronni Moffitt.

(3) Assistance may be provided under paragraph (2) without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

COMMODITY COMPETITION

Agriculture and agricultural commodities.
Exports.

SEC. 546. None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this section shall not prohibit:

Developing countries.

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

Research and development.

(2) research activities intended primarily to benefit American producers.

PROHIBITION OF FUNDING RELATED TO COMPETITION WITH UNITED STATES EXPORTS

SEC. 547. None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 548. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

ASSISTANCE FOR LIBERIA

President of U.S.

SEC. 549. (a) During fiscal year 1990, in determining whether to furnish economic support fund assistance and foreign military financing under the Foreign Assistance Act of 1961 to Liberia, the President shall take into account whether the Government of Liberia—

(1) has demonstrated its commitment to economic reform, including taking steps to fundamentally change the current financial practice of making extra-budgetary expenditures, including steps to channel the revenues from such major sources as the Liberia Petroleum Refinery Corporation and the Forestry Development Authority through the normal budgetary process; and

(2) has taken significant steps to increase respect for internationally recognized human rights including—

(A) the removal of all restrictions on the right of political parties to operate freely;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

RECIPROCAL LEASING

22 USC 2796.

SEC. 550. Section 61(a) of the Arms Export Control Act is amended by striking out "1989" and inserting in lieu thereof "1990".

DEFENSE EQUIPMENT DRAWDOWN

SEC. 551. (a) Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided*, That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

22 USC 2318.

(b) Section 506(a) of the Foreign Assistance Act of 1961 is amended by—

(1) inserting "(1)" after "(a)";

(2) striking "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) inserting the following new paragraph:

"(2)(A) If the President determines and reports to the Congress in accordance with section 652 of this Act that it is in the national interest of the United States to draw down defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, he may direct—

"(i) the drawdown of such articles, services, and the provision of such training for the purposes and under the authorities of chapters 8 and 9 of part I, as the case may be; and

"(ii) the drawdown of defense services for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962.

"(B) An aggregate value of not to exceed $75,000,000 in any fiscal year of defense articles, defense services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph.".

(c) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 552. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That of the funds appropriated by this Act for the "Economic Support Fund" and "Foreign Military Financing Program" accounts, not more than 33⅓ percent of the amounts made available by this Act for each such account excluding amounts made available for Israel, Egypt, Poland, and Hungary, may be obligated and expended prior to March 1, 1990, unless an Act authorizing appropriations for such account has been enacted

NOTIFICATION CONCERNING EL SALVADOR

SEC. 554. (a) The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialog for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

President of U.S.

(b) REPORTS.—On April 1, 1990, and September 30, 1990, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

22 USC 2395a note.

SEC. 555. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 556. (a) Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the

International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support Fund".

(b) Of the funds made available under the heading "Economic Support Fund", $5,000,000 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States: *Provided*, That such endowment and scholarship program shall be administered by an organization located in the United States: *Provided further*, That a grant may be made to capitalize such endowment only if private sector contributions of at least $5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment: *Provided further*, That if the requirement for private sector contributions is not met, funds earmarked for the purpose of the endowment shall be reprogrammed within the Economic Support Fund account.

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 557. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress, that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 558. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Pakistan.

EARMARKS

SEC. 559. Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989; however, before exercising the authority of this section with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appro-

President of U.S.

priations: *Provided further,* That assistance that is reprogrammed pursuant to this section shall be made available under the same terms and conditions as originally provided.

HAITI

SEC. 560. (a) SUSPENSION OF ASSISTANCE.—During fiscal year 1990, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the Government of Haiti has embarked upon a credible transition to democracy—

(1) by restoring the 1987 Constitution;

(2) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and

(3) by taking adequate steps to provide electoral security.

(b) EXCEPTIONS.—The term "United States assistance" does not include—

(1) assistance, provided through private and voluntary organizations or other nongovernmental agencies, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(3) assistance for refugees;

(4) assistance under the Inter-American Foundation Act; the Peace Corps Act; and under title IV, chapter 2 of part I, of the Foreign Assistance Act of 1961 (relating to the Overseas Private Investment Corporation);

(5) assistance necessary for the continued financing of education for Haitians in the United States;

(6) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations;

(7) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution;

(8) assistance for the prevention of HIV infection and the control of Haiti's AIDS epidemic and for family planning assistance; or

(9) assistance necessary for the control and eradication of swine flu.

(c) NOTIFICATIONS.—None of the funds appropriated in this Act shall be obligated or expended for Haiti except as provided through the regular notification procedures of the Committees on Appropriations.

(d) DETERMINATION.—Funds may be obligated and expended notwithstanding subsection (a) if the President determines that it is in the national interest of the United States to do so.

ASSISTANCE FOR PANAMA

SEC. 561. (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and 22 USC 2151 note.

that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noriega regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act,

(F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or (G) assistance made available for termination costs arising from the requirements of this section.

Loans.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

Imports.

7 USC 3602 note.

SEC. 562. (a) IN GENERAL.—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided,* That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) REALLOCATION OF QUOTA AMOUNTS.—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries (but, primarily, among beneficiary countries of the Caribbean Basin Initiative and Bolivia) the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period: *Provided,* That no one country may receive more than 20 per centum of such reallocation.

(c) CERTIFICATION.—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988, shall cease to apply if the President certifies to Congress pursuant to section 561(a) of this Act.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

Loans.

SEC. 563. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 564. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1990, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

President of U.S.
Federal Register, publication.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DETENTION OF CHILDREN

SEC. 565. It is the sense of the Congress that the practice of detaining children without charge or trial is unjust, inhumane, and is an affront to civilized principles. The Congress further believes that it should be the policy of the United States to make the ending of the practice of detaining children without charge or trial a matter of the highest priority. Therefore, the Congress believes the Secretary of State should convey to all international organizations that ending the practice of detaining children without charge or trial should be a policy of the highest priority for those organizations.

MILITARY ASSISTANCE TO MOZAMBIQUE

SEC. 566. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.

HONDURAS—RAMIREZ CASE

SEC. 567. It is the sense of the Congress that, pursuant to the procedures contained in section (j) under the heading "Assistance for Central America" enacted in Public Law 100-71, the Honduran Government appears to have made a reasonable and good faith settlement offer based on a factual analysis by third parties, and the owner of the property in question is strongly encouraged to accept the proposed settlement. Therefore, notwithstanding the provisions of such section, $5,000,000 of the Economic Support Fund assistance made available by Public Law 100-71 for Honduras but withheld from expenditure shall be available for expenditure upon enactment of this Act: *Provided,* That if a settlement is reached on the property in question, then the additional $10,000,000 withheld from expenditure pursuant to such section shall then be available for expenditure.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 568. Of the funds made available by this Act under the heading "Economic Support Fund", not less than $10,000,000 shall be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 569. (a)(1) Of the funds appropriated by this Act under the heading "Economic Support Fund" $69,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Peru.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $35,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Colombia.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts: *Provided,* That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and shall be in addition to any amounts provided for the countries contained in paragraph (2) of this subsection.

(4) Of the funds appropriated by this Act to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, not less than $500,000 shall be made available to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

(5) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,000,000 shall be made available to arm, for defensive purposes, aircraft used in narcotics control, eradication or interdiction efforts: *Provided,* That such funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(6)(A) Of the funds appropriated by this Act to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, up to $2,000,000, except through the regular notification procedures of the Committees on Appropriations, may be made available for Bolivia, Peru, Colombia, and Ecuador, notwithstanding section 660 of such Act, for—

(i) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(ii) the expenses of deploying, upon the request of the government of such foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(B) Education and training under this paragraph may be provided only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(7) Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control) except as provided in paragraph (3) of this subsection.

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1989, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(B) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

President of U.S.
Bolivia.
Colombia.
Equador.
Peru.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

President of U.S.
22 USC 2291 note.

(d)(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production of trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act.

(B) Any such funds not used under subparagraph (A) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

(2) As used in this section, the term "security assistance" means economic support fund assistance, foreign military financing, and international military education and training.

(e) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs) of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

22 USC 2373 note.

SEC. 570. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

President of U.S. Reports.

COMMERCIAL LEASING OF DEFENSE ARTICLES

22 USC 2763 note.

SEC. 571. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

CAMBODIAN NONCOMMUNIST RESISTANCE FORCES

SEC. 572. If the President makes available funds appropriated by this Act for the Cambodian non-Communist resistance forces, not to exceed $7,000,000 may be made available for such purpose, and such funds shall be derived from funds appropriated under the headings "Foreign Military Financing Program" and "Economic Support Fund", and shall be made available notwithstanding any other provision of law: *Provided*, That funds made available for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83): *Provided further*, That, to the maximum extent possible, all funds made available under the authority of this section shall be administered directly by the United States Government.

MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN COUNTRIES

President of U.S.
22 USC 2321j note.

SEC. 573. (a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—

(1) NATO SOUTHERN FLANK COUNTRIES.—The President may transfer—

(A) to any NATO southern flank country which is eligible for United States security assistance and which is integrated into NATO's military structure; and

(B) to any major non-NATO ally on the southern and southeastern flank of NATO which is eligible for United States security assistance, such excess defense articles as may be necessary to help modernize the defense capabilities of such country.

(2) MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—Subject to subsection (f), the President may transfer to any country—

(A) which is a major illicit drug producing country,

(B) which has a democratic government, and

(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (f)(1).

(3) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

(1) they are drawn from existing stocks of the Department of Defense;

(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

(c) NOTIFICATION TO CONGRESS.—

(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until thirty days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

(A) a certification of the need for the transfer;

(B) an assessment of the impact of the transfer on the military readiness of the United States; and

(C) the value of the excess defense articles to be transferred.

(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) of the Foreign Assistance Act of 1961 does not apply with respect to transfers of excess defense articles under this section.

(e) MAINTENANCE OF MILITARY BALANCE IN EASTERN MEDITERRANEAN.—

(1) UNITED STATES POLICY.—The Congress intends that excess defense articles be made available under this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989, of maintaining the military balance in the Eastern Mediterranean.

(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the three-year period beginning on October 1, 1989, the ratio of—

(A) the value of excess defense articles made available for Turkey under this section, to

(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

(i) the amount of foreign military financing provided for Turkey, to

(ii) the amount of foreign military financing provided for Greece.

(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).

(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotrophic drugs or other controlled substances.

(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

(g) DEFINITIONS.—As used in this section—

(1) the term "excess defense article" has the meaning given that term by section 644(g);

(2) the term "made available" means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

(3) the term "major non-NATO ally" includes Australia, Egypt, Israel, Japan, and New Zealand;

(4) the term "NATO" means the North Atlantic Treaty Organization; and

(5) the term "NATO southern flank countries" means Greece, Italy, Portugal, Spain, and Turkey.

COMPETITIVE INSURANCE

SEC. 574. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

PAY RAISES

SEC. 575. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

IRELAND

SEC. 576. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

ASSISTANCE TO AFGHANISTAN

SEC. 577. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.

EL SALVADOR ECONOMIC SUPPORT FUNDS

SEC. 578. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.

DISADVANTAGED ENTERPRISES

Africa.

SEC. 579. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the fiscal year 1990 for development assistance and assistance for famine recovery and development in Africa shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for famine recovery and development in Africa for fiscal year 1990.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

Contracts.

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

Regulations.

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

Reports.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

Regulations.

(6) The Administrator shall issue interim regulations to carry out this section within ninety days after the date of the enactment of this Act and final regulations within one hundred and eighty days after that date.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 133(c)(5) of the International Development and Food Assistance Act of 1977, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 580. Except as provided in section 581, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

STINGERS FOR BAHRAIN

SEC. 581. (a) PREVIOUSLY TRANSFERRED STINGERS.—Notwithstanding section 580, section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall cease to apply with respect to Stingers made available to Bahrain under those sections if the President determines, and notifies the Committees on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) the Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(2) no other appropriate system is available from the United States;

(3) Bahrain has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(4) Bahrain has agreed in writing to return to the possession and control of the United States all Stingers made available under those sections and subsection (b) of this section, other than Stingers which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (c).

(b) REPLACEMENT STINGERS.—Notwithstanding section 580, Stingers may be made available to Bahrain under the Arms Export Control Act or the Foreign Assistance Act of 1961 after September 30, 1989, in order to replace, on a one-for-one basis, Stingers previously made available under this subsection, section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, or section 566 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, that have been fired or otherwise destroyed, subject to the following conditions:

(1) DETERMINATIONS.—Replacement Stingers may be made available to Bahrain pursuant to this subsection only if the President makes the determinations specified in paragraphs (1) through (4) of subsection (a).

(2) NOTICE TO CONGRESS BEFORE STINGERS ARE TRANSFERRED.—At least 30 days before making any replacement Stingers available to Bahrain pursuant to this subsection, the President shall notify the committees designated in subsection (a) that he has made the determinations required by paragraph (1). Any such notification shall include the information required in a certification under section 36(b) of the Arms Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(c) RETURN OF STINGERS TO THE UNITED STATES.—All Stingers made available to Bahrain pursuant to subsections (a) and (b), other than those fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a) continues to apply; and

(2) notifies the committees designated in subsection (a) not later than September 15, 1991, in accordance with the regular reprogramming procedures of such committees, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in the subsection.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 582. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

APPROPRIATIONS OF EXCESS CURRENCIES

31 USC 1306 note.

SEC. 583. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

DEBT-FOR-DEVELOPMENT

SEC. 584. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including debt-for-development and debt-for-nature exchanges, a nongovernmental organization may invest local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used, including for the establishment of an endowment, for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 585. Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 not less than $7,500,000 shall be made available for Lebanon: *Provided*, That such funds may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961.

JOB-RELATED CRIMES

22 USC 4136.

SEC. 586. (a) Section 1106(8) of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following sentence: "Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has determined that there is reasonable cause to believe that a grievant has committed a job-related crime for which a sentence of imprisonment may be imposed and has taken action to suspend the grievant without pay pending a final resolution of the underlying matter.".

22 USC 4010.

(b) Section 610(a) of the Foreign Service Act of 1980 is amended by inserting the following new paragraphs:

"(3) Notwithstanding the hearing required by this section, or procedures under any other provision of law, where there is reasonable cause to believe that a member has committed a crime for which a sentence of imprisonment may be imposed, and there is a nexus to the efficiency of the Service, the Secretary, or his designee, may suspend such member without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.

"(4) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to—

"(A) advance written notice of the specific reasons for such suspension, including the grounds for reasonable cause to believe a crime has been committed;

"(B) a reasonable time, not less than seven days, to answer orally and in writing;

"(C) be represented by an attorney or other representative; and

"(D) a final written decision.

"(5) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11. The Board review, however, shall be limited only to a determination of whether there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed, and whether there is a nexus between the conduct and the efficiency of the Service.".

22 USC 4010 note.

(c) For purposes of the amendments made by subsections (a) and (b) of this section, reasonable cause to believe that a member has committed a crime for which a sentence of imprisonment may be imposed shall be defined as a member of the Service having been convicted of, and sentence of imprisonment having been imposed for, a job-related crime.

LOCATION OF STOCKPILES

SEC. 587. (a) Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, or a country which is a major non-NATO ally, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(b) Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) is amended—

(1) in subsection (b)(1), by striking out "greater than" and inserting in lieu thereof "that"; and

(2) in subsection (b)(2), by striking out "$77,000,000 for fiscal year 1989" and inserting in lieu thereof "$165,000,000 for fiscal year 1990".

HONG KONG

SEC. 588. It is the sense of the Congress that the President and Secretary of State should convey to the People's Republic of China and the United Kingdom strong concerns over the absence of full direct elections in the colony and lack of independent human rights guarantees in the draft Basic Law, pending the colony's scheduled reversion to China in 1997.

RESCISSION

SEC. 589. Of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, under the heading "Economic Support Fund", $50,000,000 of such funds are hereby rescinded: *Provided*, That such rescission may be derived only from unearmarked funds and funds earmarked under such heading for Sub-Saharan Africa and allocated for Sudan, Somalia, and Liberia.

WEST BANK SCHOOLS

SEC. 590. The United States Congress commends Israel's decision to open schools on the West Bank beginning July 22, 1989.

The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be used for political purposes, and will be respected and regarded as places of learning, not as places from which to further violent activity.

ASSISTANCE FOR PAKISTAN

SEC. 591. Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out "April 1, 1990" and inserting in lieu thereof "April 1, 1991". 22 USC 2375.

SEPARATE ACCOUNTS

SEC. 592. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapter 1 of part I (including assistance for Sub-Saharan Africa) or chapter 4 of part II of the Foreign Assistance Act of 1961 under arrangements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

Contracts.

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) established by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) Uses of Local Currencies.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 of part I or chapter 4 of part II (as the case may be), or

(B) for the administrative requirements of the United States Government.

(3) Programming Accountability.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) Termination of Assistance Programs.—Upon termination of assistance to a country under chapter 1 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(b) Separate Accounts for Cash Transfers.—(1) If assistance is made available to the government of a foreign country, under chapter 1 of part I (including assistance for Sub-Saharan Africa) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) Applicability of Other Provisions of Law.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

President of U.S.

(3) Notification.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **Exemption.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

GLOBAL REDUCTION OF PROVERTY

Sec. 593. (a) The Congress finds that the reduction of poverty on a global basis is a fundamental goal of United States foreign assistance. Therefore, to measure progress toward that goal, the Administrator of the Agency for International Development shall, in consultation with the Congress and other appropriate governmental agencies and nongovernmental agencies and nongovernmental organizations, establish a system of quantitative and qualitative indicators of poverty reduction, which shall be established on a country-by-country basis. These indicators shall include the percentage of persons living below the absolute poverty level, rates of infant and child mortality, rates of literacy for men and women, per capita income and purchasing power, rate of employment, and other factors measuring poverty reduction and economic growth as the Administrator of the Agency for International Development shall deem appropriate.

(b) As part of its annual congressional presentation to Congress, the Agency for International Development shall identify those poverty reduction objectives that have been set for each country receiving development assistance, and the progress that has been achieved in past years and future steps to be taken to achieve them.

INTERNATIONAL MONETARY FUND

Sec. 594. (a) The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (IMF) to regularly and vigorously promote the following policy and staffing changes through formal initiatives before the Board and management of the IMF and through bilateral discussions with other member nations:

(1) The addition to the IMF's staff of natural resource experts, and development economists trained in analyzing the linkages between macro-economic conditions and the short- and long-term impacts on sustainable management of natural resources.

(2) In a manner consistent with the purposes of the IMF, the establishment in the IMF of a systematic process to review in advance, and take into account in policy formation, projected impacts of each IMF lending agreement on the long-term sustainable management of natural resources, the environment, public health and poverty.

(3) The creation of criteria to consider concessional and favorable lending terms to promote sustainable management of natural resources. Such capacity should seek the reduction of the debt burden of developing countries in recognition of domestic investments in conservation and environmental management.

Reports.

(b) The Secretary of the Treasury shall prepare an annual report to the Congress on the progress made by the United States Executive Director to the IMF in implementing the reforms encompassed in this section.

EL SALVADOR

SEC. 595. With respect to the ongoing political unrest and armed conflict in El Salvador, the Congress hereby—

(1) welcomes the negotiating process set in motion on September 13, 1989 in Mexico City by the Government of El Salvador and the leadership of the Farabundo Marti National Liberation Front and the expressed willingness of both parties to continue this process;

(2) urges the parties to these negotiations to achieve, as quickly as possible—

(A) a cessation of hostilities; and

(B) an overall political settlement of the ten-year old conflict; and

(3) calls upon the Secretary of State to consult frequently with the Congress on the status of the Salvadoran negotiations and on the efforts being undertaken by the President to support these negotiations.

CENTRAL AMERICAN DEVELOPMENT COORDINATION COMMISSION

SEC. 596. (a) FINDINGS.—The Congress finds that multi-donor foreign assistance funds made available to the Central America region should be channeled through regional institutions which have strong participation in decision-making by Central Americans to ensure adequate coordination among donors.

President of U.S.

(b) ASSISTANCE FOR CADCC.—Upon the request of the governments of Central America, the President shall provide appropriate support and assistance in the development of a coordination mechanism agreed to by the governments of Central America, which shall be designated as the Central American Development Coordination Commission (CADCC). In providing such support and assistance, the President shall, in concert with the governments of Central America, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations—

(1) encourage and participate in the creation of a multi-donor, multi-sectoral coordinating mechanism known as the CADCC; and

(2) provide not less than $500,000 or more than $1,000,000 of funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) to be used to assist in the implementation of such Commission, and United States participation therein.

(c) FACTORS IN ESTABLISHING CADCC.—In establishing the CADCC, consideration should be given to:

(1) involving representatives from both the public and private sectors, including representatives from the trade unions and business communities, and nongovernmental organizations at the regional level;

(2) involving regional institutions and multilateral organizations such as the Inter-American Bank, the Central American Bank for Economic Integration (CABEI), the Central American Monetary Council (CMCA), the Economic Commission for Latin America (ECLAC), the International Bank for Reconstruction and Development, and the United Nations in project design, implementation, and coordination; and

(3) establishing in each country a National Recovery and Development Commission, modeled after the National Reconciliation Commissions called for in the Esquipulas II Accords agreed to by the presidents of the five countries of Central America in Guatemala on August 6–7, 1987.

(d) Secretariat of the CADCC.—The United Nations Development Programme shall be designated as the social service and refugee and displaced persons technical assistance secretariat for the CADCC.

(e) Eligibility for Assistance.—The President is authorized to furnish assistance under this section to each country in Central America which is in compliance with the Esquipulas II Accords.

(f)(1) Encouragement of Multilateral Contributions.—The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation in, and support for, implementing the recommendations of the International Commission for Central American Recovery and Development.

(2) It is the sense of the Congress that, in carrying out paragraph (1), the President should exert leadership in multilateral and regional forums, and at economic summits to further a multidonor, multisector solution to the crisis in Central America.

ELIGIBILITY OF POLAND AND HUNGARY FOR OVERSEAS PRIVATE INVESTMENT CORPORATION

Sec. 597. (a) Programs.—Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting "Poland, Hungary," after "Yugoslavia,". 22 USC 2199.

(b) Participation by Nongovernmental Sector.—(1) In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(2) For purposes of this subsection, the term "nongovernmental sector" in Poland and Hungary includes private enterprises, cooperatives (insofar as they are not administered by the Governments of Poland or Hungary), joint ventures (including partners which are not the Governments of Poland or Hungary or instrumentalities thereof), businesses in Poland or Hungary that are wholly or partly owned by United States citizens, including those of Polish or Hungarian descent, religious and ethnic groups (including the Catholic Church), and other independent social organizations.

(c) Definition of Eligible Investor.—Notwithstanding subsection (b), the term "eligible investor" with respect to OPIC's programs in Poland and Hungary has the same meaning as contained in section 238(c) of the Foreign Assistance Act of 1961.

(d) Effective Date.—The authority of the Overseas Private Investment Corporation to issue insurance, reinsurance, guarantees, and to provide any assistance under its direct loan and equity programs with respect to projects undertaken in Poland and Hungary shall take effect upon the date of enactment of this Act and shall remain in effect until September 30, 1992.

INTERNATIONAL COFFEE AGREEMENT

SEC. 598. It is the Sense of the Congress that the International Coffee Agreement is an important measure in promoting economic and political stability in many developing countries, including Colombia, that the collapse of the Agreement would seriously undermine Colombia's efforts at fighting illegal drugs, and that the Administration should undertake every possible effort to successfully conclude a renewal of the Agreement.

LATVIA, ESTONIA, AND LITHUANIA

SEC. 599. (a) The Congress finds that—

(1) the Baltic states of Latvia, Estonia, and Lithuania gained their independence from the Russian Socialist Federative Soviet Republic in 1918, a fact recognized by the government of the Russian Socialist Federative Soviet Republic in 1920;

(2) the governments of the Latvian Democratic Republic and the Russian Socialist Federative Soviet Republic (RSFSR) signed a Treaty of Peace in Riga, Latvia on August 11, 1920, in which the RSFSR "establishes the right of self-determination for all nations, even to the point of total separation from the States with which they have been incorporated" and declares that "Russia unreservedly recognizes the independence, self-subsistency and sovereignty of the Latvian State and voluntarily and forever renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia";

(3) similar treaties were signed by both the Republic of Estonia and the Republic of Lithuania with the RSFSR on February 2, 1920 and July 12, 1920, respectively";

(4) the independent republics of Latvia, Estonia, and Lithuania swiftly recovered from the ravages of World War I and became active in the World community, gaining membership in the League of Nations on September 22, 1921 and full recognition by the United States on July 28, 1922;

(5) the sovereign rights of the independent states of Latvia, Estonia, and Lithuania were violated by the Union of Soviet Socialist Republics in a Secret Protocol to the Nazi-Soviet Treaty of Nonaggression of August 23, 1939, which divided Eastern Europe into Nazi and Soviet "spheres of influence";

(6) the Union of Soviet Socialist Republics coerced the governments of Latvia, Estonia, and Lithuania to sign Pacts of Mutual Assistance in October 1939, which stipulated that the "contracting parties undertake not to enter into any alliances or to participate in any coalitions directed against one of the contracting parties" and that "the carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures";

(7) the Union of Soviet Socialist Republics violated not only those bilateral agreements with the independent Baltic states but also international conventions on the changing of international borders by force when the Soviet Union issued ultimatums to the three independent nations on June 15-16, 1940, demanding the formation of governments to their liking, fol-

lowed by armed invasions of Lithuania, Latvia, and Estonia on June 16-17, 1940;

(8) the occupation of the Baltic states was confirmed on July 14-15, 1940, with the irregular and illegal "election" of new parliaments, which then petitioned for admission into the Soviet Union, and these petitions were accepted by the Soviet Union, as follows: Lithuania's on August 3, 1940, Latvia's on August 4, 1940, and Estonia's on August 5, 1940;

(9) the Government of the United States continues its policy of standing by the 1922 recognition of the de jure independent governments in the Baltic states, and of refusing to recognize the forced incorporation of the Baltic states into the Soviet Union;

(10) the peoples of Latvia, Estonia, and Lithuania have never accepted the occupation of their native lands, and have demonstrated their resolve on numerous occasions since 1940, most notably in the last three years. The most striking demonstration of the desires of the Baltic people took place on August 23, 1989, the fiftieth anniversary of the Nazi-Soviet Treaty of Nonaggression, when nearly two million citizens of Latvia, Estonia, and Lithuania joined hands in a four-hundred-mile human chain stretching across the Baltic states from the Estonian capital of Tallinn, through the Latvian capital, Riga, to the Lithuanian capital of Vilninus;

(11) the people of the Baltic states, through their elected representatives in the Popular Front of Latvia, the Popular Front of Estonia, and the Lithuanian Movement in Support of Perestroika "Sajudis", have declared their desire for the restoration of independence in the Baltic states; and

(12) even the Communist officials and regimes in each of the Baltic states have begun to respond to the drive for more autonomy.

(b) The Congress urges the President—

(1) to raise the issue of the political rights of the Baltic peoples in all diplomatic contacts with the Soviet Union including during the meeting between President Bush and President Gorbachev in December, 1989 and during the Presidential summit scheduled in 1990 between the United States and the Soviet Union; and

(2) to call upon the Soviet Union—

(A) to honor the international agreements it has voluntarily entered into, such as the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the United Nations Declaration of Human Rights, as well as the bilateral agreements it has voluntarily entered into with the independent governments of Latvia, Estonia, and Lithuania,

(B) to allow the people of Latvia, Estonia, and Lithuania their right of self-determination, as guaranteed by the RSFSR in 1920 as well as by the current constitution of the Soviet Union,

(C) to recognize the human rights of all peoples both within the Soviet Union and under Soviet influence, and

(D) to replace the policy of aggressive industrialization in the Baltic states, which has poisoned the land, air, and water of Latvia, Estonia, and Lithuania, with one of environmental responsibility.

IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND, CZECHOSLOVAKIA, AND HUNGARY

SEC. 599A. Notwithstanding section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any other provision of law, any article that—

(1) is a defense article for purposes of section 38 of the Arms Export Control Act,

(2) is from Poland, Hungary, or Czechoslovakia,

(3) was imported or temporarily imported into the United States before June 30, 1989, by, or on behalf of, a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(4) was manufactured at least 20 years before its importation into the United States,

(5) has been disabled so that no weapon or weapons system is functional, and

(6) is to be used only for display to the public by the museum or educational institution for educational purposes,

shall be considered to have been lawfully imported into the United States and shall be permitted to remain in the United States, and the museum or educational institution shall not be subject to any penalty by reason of such importation.

HUMAN RIGHTS IN CUBA

SEC. 599B. (1) FINDINGS.—The Congress finds that—

(A) the United Nations in 1989 issued its first report on humans rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(B) the report extensively documented across-the-board human rights abuses that include cases of torture, missing people, religious persecution, violations of civil and political rights and violations of economic and social rights;

(C) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment";

(D) among the abuses reported to the United Nations were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave;

(E) the United Nations commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the United Nations group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(F) at least 22 Cuban human rights activists who were arrested are currently serving prison sentences or being held without trial;

(G) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group;

(H) since March 9, 1989, the United Nations has failed to take any substantive action to follow up on the March 9 resolution.

The United Nations also has failed to intervene on behalf of those who are now imprisoned because of their attempts to testify before the United Nations human rights investigative group last fall.

(2) Statement of Policy.—In the interest of promoting respect for human rights in Cuba, the Congress—

(A) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate follow up action on the Commission's report;

(B) calls on the Secretary General to specifically urge the Cuban government to release the 22 persons still being held in detention because of their human rights activities;

(C) calls on the United States Ambassador to the United Nations to make known in the strongest terms the dissatisfaction of the United States with the failure by the United Nations to continue to act on its own resolution; and

(D) calls on the Secretary of the United Nations to expand the United Nation's investigation of Cuba to include an examination of labor rights in recognition of current Cuban law which prohibits the formation of independent unions and which has led to the imprisonment of those Cuban workers who have tried to organize themselves.

ASSISTANCE FOR POLAND AND HUNGARY

Sec. 599C. (a) In addition to amounts appropriated under the heading "Trade and Development Program", there is hereby appropriated $2,000,000, to remain available until expended, to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(b) Notwithstanding any other provision of this Act, any funds made available by this Act for a specific activity for Poland or Hungary instead may be obligated for Poland or Hungary for an activity with a similar purpose. The authority of section 515 of this Act may also be used to deobligate such funds and reobligate them for Poland or Hungary for an activity with a similar purpose: *Provided*, That the authority of this subsection shall be exercised subject to the regular notification procedures of the Committees on Appropriations.

(c) Funds made available by this Act and obligated for the Government of Poland shall not be expended if the President of Poland, or any other Polish official, initiates martial law without the consent of the Polish Senate and Sejm, or if members of the Polish Senate or the Sejm are removed from office or are arrested through extra-constitutional processes: *Provided*, That, notwithstanding the restriction on expenditures contained in this subsection, the President of the United States may continue to expend funds made available to Poland if he determines and certifies to Congress that it is in the foreign policy interest of the United States to do so.

ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS

Sec. 599D. (a) In General.—In the case of an alien who is within a category of aliens established under subsection (b), the alien may establish, for purposes of admission as a refugee under section 207 of

8 USC 1157 note.

the Immigration and Nationality Act, that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(b) ESTABLISHMENT OF CATEGORIES.—

(1) For purposes of subsection (a), the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish—

(A) one or more categories of aliens who are or were nationals and residents of the Soviet Union and who share common characteristics that identify them as targets of persecution in the Soviet Union on account of race, religion, nationality, membership in a particular social group, or political opinion, and

(B) one or more categories of aliens who are or were nationals and residents of Vietnam, Laos, or Cambodia and who share common characteristics that identify them as targets of persecution in such respective foreign state on such an account.

(2)(A) Aliens who are (or were) nationals and residents of the Soviet Union and who are Jews or Evangelical Christians shall be deemed a category of alien established under paragraph (1)(A).

(B) Aliens who are (or were) nationals of the Soviet Union and who are current members of, and demonstrate public, active, and continuous participation (or attempted participation) in the religious activities of, the Ukrainian Catholic Church or the Ukrainian Orthodox Church, shall be deemed a category of alien established under paragraph (1)(A).

(C) Aliens who are (or were) nationals and residents of Vietnam, Laos, or Cambodia and who are members of categories of individuals determined, by the Attorney General in accordance with "Immigration and Naturalization Service Worldwide Guidelines for Overseas Refugee Processing" (issued by the Immigration and Naturalization Service in August 1983) shall be deemed a category of alien established under paragraph (1)(B).

(3) Within the number of admissions of refugees allocated for fiscal year 1990 for refugees who are nationals of the Soviet Union under section 207(a)(3) of the Immigration and Nationality Act, notwithstanding any other provision of law, the President shall allocate one thousand of such admissions for such fiscal year to refugees who are within the category of aliens described in paragraph (2)(B).

(c) WRITTEN REASONS FOR DENIALS OF REFUGEE STATUS.—Each decision to deny an application for refugee status of an alien who is within a category established under this section shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.

(d) PERMITTING CERTAIN ALIENS WITHIN CATEGORIES TO REAPPLY FOR REFUGEE STATUS.—Each alien who is within a category established under this section and who (after August 14, 1988, and before the date of the enactment of this Act) was denied refugee status shall be permitted to reapply for such status. Such an application shall be determined taking into account the application of this section.

(e) Period of Application.—

Effective dates.

(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall only apply to applications for refugee status submitted before October 1, 1990.

(2) Subsection (c) shall apply to decisions made after the date of the enactment of this Act and before October 1, 1990.

(3) Subsection (d) shall take effect on the date of the enactment of this Act and shall only apply to reapplications for refugee status submitted before October 1, 1990.

(f) GAO Reports on Soviet Refugee Processing.—

(1) The Comptroller General shall submit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of this section in Italy and the Soviet Union. Such reports shall include a review of—

(A) the timeliness and length of individual interviews,

(B) the adequacy of staffing and funding by the Department of State, the Immigration and Naturalization Service, and voluntary agencies, including the adequacy of staffing, computerization, and administration of the processing center in Washington,

(C) the sufficiency of the proposed Soviet refugee processing system within the United States,

(D) backlogs (if any) by ethnic or religious groups and the reasons any such backlogs exist,

(E) the sufficiency of the means of distributing and receiving applications for refugee status in Moscow,

(F) to the extent possible, a comparison of the cost of conducting refugee processing only in Moscow and such cost of processing in both Moscow and in Italy, and

(G) an evaluation of efforts to phase out Soviet refugee processing in Italy.

(2) The Comptroller shall submit a preliminary report under paragraph (1) by December 31, 1989, and a final report by March 31, 1990. The final report shall include any recommendations which the Comptroller General may have regarding the need, if any, to revise or extend the application of this section.

ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES

Sec. 599E. (a) In General.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

8 USC 1255 note.

(1) applies for such adjustment,

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed,

(3) is admissible to the United States as an immigrant, except as provided in subsection (c), and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) Aliens Eligible for Adjustment of Status.—The benefits provided in subsection (a) shall only apply to an alien who—

(1) was a national of the Soviet Union, Vietnam, Laos, or Cambodia, and

(2) was inspected and granted parole into the United States during the period beginning on August 15, 1988, and ending on September 30, 1990, after being denied refugee status.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (14), (15), (20), (21), (25), (28) (other than subparagraph (F)), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this section and the Attorney General may waive any other provision of such section (other than paragraph (23)(B), (27), (29), or (33)) with respect to such an adjustment for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

Records.

(d) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(2).

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

REPEAL OF PROVISION

Ante, p. 988.

SEC. 599F. (a) The following provision under the heading "Salaries and Expenses, General Legal Activities", contained in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (H.R. 2991), as enacted into law, is hereby repealed: ": *Provided further,* That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that any such fees shall be credited to this appropriation notwithstanding the provisions of 31 U.S.C. 3302".

Effective date.

(b) The provisions of subsection (a) shall take effect upon the date of the enactment into law of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (H.R. 2991).

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

SEC. 599G. (a) CONDITIONAL ASSISTANCE.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, funds made available under chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated to El Salvador may, notwithstanding section 660 of that Act, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban law enforcement training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, and personal protection gear. No such assistance may be used for the purchase of any lethal equipment, except for small arms ammunition and rifle ammunition solely for training purposes.

(3) At least thirty days before obligating such assistance, the President certifies to the Committee of Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee of Foreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed. Any such certification shall also include a report on the status of all investigative action and prosecutions with respect to those responsible for the 1980 murders of Archbishop Oscar Romero and the four American churchwomen, the recent murder of Ana Casanova, the recent bombings of the headquarters of the FENASTRAS union and the office of COMADRES, a human rights organization, and the recent murder of six Jesuit priests and their associates.

Reports.
Oscar Romero.
Ana Casanova.

(4) Reprogramming.—Funds made available under this subsection shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(b) Definition.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

(c) Not more than $5,000,000 shall be made available in fiscal year 1990 to carry out the provisions of this section. Not less than $7,000,000 of the funds made available to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1990 shall be made available for the purposes of subsection 534(b)(3) of the Foreign Assistance Act of 1961.

CROPS IN PERU, BOLIVIA AND JAMAICA

Sec. 599H. Notwithstanding any other provision of law, the President may provide assistance under chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 for Peru, Bolivia and Jamaica to promote the production, processing, or marketing of all crops which can be economically grown in areas of those countries which currently produce crops from which narcotic and psychotropic drugs are derived.

LAND REFORM IN EL SALVADOR

Sec. 599I. (a) It is the sense of the Congress that the success and continuation of land reform in El Salvador is vital to United States policy and to political stability, economic development and maintenance of democratic institutions in that country.

(b) Therefore, when allocating Economic Support Funds to El Salvador, the President shall take into consideration progress in the Salvadoran Land Reform Program.

TITLE VI—FUNDING ADJUSTMENTS

REDUCTION OF APPROPRIATIONS

SEC. 601. Each appropriation item, direct loan obligation limit, loan guarantee commitment limit, or obligation limit provided by this Act shall be reduced by 0.43 per centum: *Provided*, That such reduction shall be applied proportionally to each program, project, and activity as set forth in section 543 of this Act: *Provided further*, That programs and activities exempt from sequestration under section 255 of the Deficit Control Act of 1985 shall be exempt from the uniform reduction required by this paragraph.

COUNTER-NARCOTICS PROGRAMS

SEC. 602. For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act, $125,000,000, which shall be made available only for counter-narcotics programs: *Provided*, That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures of the Committees on Appropriations.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3743:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 20, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Nov. 21, Presidential statement.

Public Law 101-168
101st Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

Nov. 21, 1989
[H.R. 3746]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1990, and for other purposes, namely:

District of Columbia Appropriations Act, 1990.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1990, $430,500,000: *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1990, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $8,685,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), $15,000,000.

CRIMINAL JUSTICE INITIATIVE

For an additional amount for the design and construction of a prison within the District of Columbia, $20,300,000 to become available October 1, 1990: *Provided,* That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison.

The $50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1989, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison: *Provided*, That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further*, That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison.

Communications and telecommunications.
Public information.

DRUG EMERGENCY

For a Federal contribution to the District of Columbia, $31,772,000, to remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $112,971,000: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated $6,726,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $818,000 shall be derived from the general fund and not to exceed $5,908,000 shall be derived from the earnings of the applicable retirement funds: *Pro-*

vided further, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That an additional $150,000 out of local funds shall remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases: *Provided further,* That no part of these funds shall be used for lobbying to support or defeat legislation pending before Congress or any State legislature.

Reports.

Economic Development and Regulation

Economic development and regulation, $137,913,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia: *Provided further,* That up to $275,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single-room occupancy initiative.

Housing.

Public Safety and Justice

Public safety and justice, including purchase of 130 passenger-carrying vehicles for replacement only for police-type use and 29 additional passenger-carrying vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, $861,341,000, of which $150,000 shall be derived by transfer from "Governmental Direction and Support": *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That not to

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Virginia.

exceed $26,000 shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accreditation organization: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during fiscal year 1990 in relation to the Lorton prison complex. Such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: *Provided further*, That the staffing levels of each two-piece engine company within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect: *Provided further*, That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services which are performed in emergencies by the National Guard in a militia status and which are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided fur-*

ther, That such sums as may be necessary for reimbursements to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituting payment in advance for the emergency services involved: *Provided further,* That $17,630,000 for the Metropolitan Police Department and $2,600,000 for the District of Columbia Superior Court shall remain available until expended: *Provided further,* That of funds provided to the Department of Corrections $36,311,000 shall be for the expense of housing D.C. Code violators in Federal Bureau of Prisons facilities, including $5,064,000 of payments previously forgiven.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $691,120,000, to be allocated as follows: $502,346,000 for the public schools of the District of Columbia; $86,300,000 for the District of Columbia Teachers' Retirement Fund; $76,088,000 for the University of the District of Columbia; $18,849,000 for the Public Library; $3,527,000 for the Commission on the Arts and Humanities; $3,440,000 for the District of Columbia School of Law; and $570,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1990, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That funds provided under this head in Public Law 100-202 (101 Stat. 1329-94) to match private contributions to the District of Columbia Public Schools Foundation shall be available until September 30, 1990.

HUMAN SUPPORT SERVICES

Human support services, $827,918,000: *Provided,* That $18,611,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That of the funds provided for the D.C. General Hospital subsidy, $646,000 shall be used to provide health care to homeless persons.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $223,898,000, of which not to exceed $3,600,000 shall be available for the School Transit Subsidy: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $7,874,000: *Provided*, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual Convention Center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $251,474,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $218,872,000 general fund accumulated deficit as of September 30, 1988, $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both): *Provided*, That if the Federal payment to the District of Columbia for fiscal year 1990 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, approved December 12, 1985), as amended, the percentage (if any) by which the $20,000,000 set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order: *Provided further*, That all net revenue the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia et al., CA 10080-87 (court order filed November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $10,997,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $2,569,000.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of $2,000,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $6,100,000, within one or several of the various appropriation headings in this Act.

PERSONAL SERVICES ADJUSTMENT

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14 in the amount of $31,550,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $134,650,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 to 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $10,556,000 shall be available for project management and $26,319,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That $20,300,000 of the $134,650,000 shall be available solely for the Correctional Treatment Facility to be constructed in the District of Columbia which is financed with Federal funds appropriated to the District of Columbia for fiscal year 1991: *Provided further,* That $547,000 for the Department of Recreation and $3,080,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1991, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1991: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $199,382,000, of which $34,964,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,700,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided,* That the requirements and restrictions which are applicable to general fund capital improvement projects and are set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further,* That of the $27,085,000 in water and sewer enterprise fund operating revenues for pay-as-you-go capital projects, $1,200,000 shall fund new authority in the fiscal year 1990 capital budget and $25,885,000 shall fund prior year capital budget authority.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for fiscal year 1982, approved December 4, 1981, (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,600,000, to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the sources of funding for this appropriation title from its own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $1,600,000.

GENERAL PROVISIONS

Contracts.

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-

205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personnel compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1990, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 39,262.

SEC. 110A. (a) No funds appropriated by this Act may be expended for the compensation of any person appointed to fill any vacant position in any agency under the personnel control of the Mayor unless:

(1) The position is to be filled by a sworn officer of the Metropolitan Police Department; or

(2) The position is to be filled as follows:

(A) By a person who is currently employed by the District of Columbia government at a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(b) Subsection (a) of this section shall not apply to any position for which the City Administrator certifies that:

(1) The position is necessary to the fulfillment of an identified essential governmental function; and

(2) The position cannot be filled from within the District of Columbia government:

(A) At a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(c) The City Administrator shall submit the certification required by subsection (b) of this section to the Council on the 1st day of each month.

SEC. 110B. (a) APPLICATION FOR EMPLOYMENT, PROMOTIONS, AND REDUCTIONS IN FORCE.—

(1) IN GENERAL.—The rules issued pursuant to the amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203) shall include the provisions described in paragraph (2).

(2) DESCRIPTION OF POLICIES.—

(A) POLICY REGARDING APPLICATION FOR EMPLOYMENT.—The Mayor of the District of Columbia may not give an applicant for District of Columbia government employment in the Career Service who claims a District residency preference more than a 5 point hiring preference over an applicant not claiming such a preference, and, in the case of equally qualified applicants, shall give an applicant claiming such a preference priority in hiring over an applicant not claiming such a preference.

(B) POLICY REGARDING PROMOTIONS AND REDUCTIONS IN FORCE FOR CAREER SERVICE EMPLOYEES.—In calculating years of service for the purpose of implementing a reduction-in-force, the Mayor may not credit an employee in the Career Service who claims a District residency preference with more than 1 year of additional service credit, and in the case of equally qualified employees, shall give an employee claiming such a preference priority in promotion over an employee not claiming such a preference.

(C) INDIVIDUALS SUBJECT TO PROVISIONS.—The amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 shall apply only with respect to individuals claiming a District residency preference or applying for employment with the District of Columbia on or after March 16, 1989.

(b) SCOPE OF 5-YEAR DISTRICT RESIDENCY REQUIREMENT FOR EMPLOYEES CLAIMING PREFERENCE.—

(1) CAREER SERVICE EMPLOYEES.—Section 801(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (section 1-608.1(e), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), the Mayor may not require an individual to reside in the District of Columbia as a condition of employment in the Career Service.

"(B) The Mayor shall provide notice to each employee in the Career Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.".

(2) EDUCATIONAL SERVICE EMPLOYEES.—Section 801A(d) of such Act (section 1-609.1(d), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), the Boards may not require an individual to reside in the District of Columbia as a condition of employment in the Educational Services.

"(B) The Boards shall provide notice to each employee in the Educational Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.".

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during nonschool hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1991, shall be transmitted to the Congress no later than April 15, 1990.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Abortion.

SEC. 117. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Reports.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 123. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1989 shall be deemed to be the rate of pay payable for that position for September 30, 1989.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 126. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 127. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency and the District's best interest.

SEC. 128. No later than 30 days after the end of the first quarter of fiscal year 1990, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1990 revenue estimates as of the end of the first quarter of fiscal year 1990. These estimates shall be used in the fiscal year 1991 annual budget request. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 129. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December

24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), is amended by striking out "sold before October 1, 1989" and inserting in lieu thereof "sold before October 1, 1990".

Contracts.

SEC. 130. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 131. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 132. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act which are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 133. (a) It is the purpose of this section to improve the means by which the District of Columbia is paid for water and sanitary sewer services furnished to the Government of the United States or any department, agency, or independent establishment thereof.

(b) Section 106 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 102; D.C. Code, sec. 43-1552) is amended by—

(1) striking in subsection (a) all that follows the sentence beginning with "Payment shall be made as provided in subsection (b)"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for water services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, one-fourth (25 percent) of the annual estimate prepared by the District government shall be paid, not later than the second day of each fiscal quarter, to the District government by the Secretary of the Treasury from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made by the Secretary of the Treasury from funds available to the United States Treasury and shall be reimbursed promptly to the United States Treasury by the respective user agencies. Payments shall be made to the District government by the Secretary of the Treasury without further justification, and shall be equal to one-fourth (25 percent) of the annual estimate prepared by the District government pursuant to paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide the total estimated annual cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a yearly basis shall reflect such adjustments as are necessary to (1) account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th, and (2) reflect changes in rates charged for water and sewer services resulting from public laws or rate covenants pursuant to water and sewer revenue bond sales.

"(3) Each Federal department, independent establishment, or agency receiving water services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to one-fourth (25 percent) of the annual estimate for said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(c) Section 212 of the District of Columbia Public Works Act of 1954 (68 Stat. 108; D.C. Code, sec. 43-1612) is amended by—

(1) striking in subsection (a) all that follows ": *Provided*, That"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for sanitary sewer services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, one-fourth (25 percent) of the annual estimate prepared by the District government shall be paid, not later than the second day of each fiscal quarter, to the District government by the Secretary of the Treasury from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made by the Secretary of the Treasury from funds available to the United States Treasury and shall be reimbursed promptly to the United States Treasury by the respective user agencies. Payments shall be made to the District government by the Secretary of the

Treasury without further justification, and shall be equal to one-fourth (25 percent) of the annual estimate prepared by the District government pursuant to paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide the total estimated annual cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a yearly basis shall reflect such adjustments as are necessary to (1) account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th, and (2) reflect changes in rates charged for water and sewer services resulting from public laws or rate covenants pursuant to water and sewer revenue bond sales.

"(3) Each Federal department, independent establishment, or agency receiving sanitary sewer services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to one-fourth (25 percent) of the annual estimate for said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of charges for sanitary sewer services involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(d) The first sentence of subsection (d) of section 207 of the District of Columbia Public Works Act of 1954 (68 Stat. 106) is amended to read as follows: "Whenever a property upon which a sanitary sewer service charge is a public park, or uses water from the water supply system of the District for an industrial or commercial purpose in such a manner that the water so used is likewise not discharged into the sanitary sewage works of the District, the quantity of water so used and not discharged into the sanitary sewage works of the District may be excluded in determining the sanitary sewer service charge on such property, if such exclusion is previously requested in writing by the owner or occupant thereof and approved in writing by the District government in advance of the billing period involved.".

Effective date.
Termination date.

(e) The amendments made by this section shall take effect January 1, 1990, and shall terminate December 31, 1990.

SEC. 134. (a) The paragraph under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriation Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), is amended—

(1) by striking the 10th proviso; and

(2) in the 11th proviso, by striking "1144, as well as in the Old Georgetown Historic District:" and inserting "1144:".

(b) The 11th proviso referred to in subsection (a)(2), as amended by such subsection, shall not apply with respect to any activity relating to a lottery, raffle, bingo, or other game of chance sponsored by, and conducted solely for the benefit of, an organization which is described in section 501(c)(3), and exempt from tax under section 501(a), of the Internal Revenue Code of 1986.

SEC. 135. No funds appropriated in this Act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

Wages.

SEC. 136. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 137. For the fiscal year ending September 30, 1990, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 138. Section 11-903, District of Columbia Code, is amended to read as follows:

"§ 11-903. Composition

Courts, U.S.

"Subject to the enactment of authorizing legislation, the Superior Court of the District of Columbia shall consist of a chief judge and fifty-eight associate judges.".

SEC. 139. Of the funds appropriated in Public Law 100-202 for carrying out part B of title VII of the Higher Education Act that remain available for obligation, $6,700,000 shall be awarded without regard to section 701(B), section 721(B), and section 721(C) of said Act to the consortium of institutions of higher education in the Washington, DC metropolitan area for the purpose of constructing and equipping an academic research library to link the library and information resources of the universities participating in the consortium.

SEC. 140. TASK FORCE ON SUBSTANCE ABUSING PREGNANT WOMEN AND INFANTS EXPOSED TO MATERNAL SUBSTANCE ABUSE DURING PREGNANCY.—(a) IN GENERAL.—The Director of the Department of Human Services of the District of Columbia (referred to as the "Director") shall establish a task force, to be known as the District of Columbia Task Force for Coordinated Service to Drug-Exposed Infants (referred to as the "Task Force"), to develop a plan for the most efficient and effective delivery of services to substance abusing pregnant women and infants who were exposed to maternal substance abuse during pregnancy, including recommendations to ensure maximum cooperation between service providers.

(b) MEMBERS.—(1) The Director shall appoint no more than 15 persons to serve on the Task Force, including persons with experience in treating substance-exposed infants, representing the following organizations and disciplines:

(A) Child protection and welfare.

(B) Local hospitals.

(C) Health care professionals, including drug treatment specialists, public health experts, primary care providers, and child development specialists.

(D) Public safety and justice.

(E) Public education.

(F) Community-based organizations serving substance abusing pregnant and post partum women and their infants.

(G) Public housing officials.

(H) Other human support services.

(2) In addition to the members of the Task Force appointed pursuant to paragraph (1), the United States Attorney or a designee of the United States Attorney shall be a member of the Task Force.

(3) The Director or the designee of the Director shall act as chairman of the Task Force and provide such clerical support as the Task Force requires.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act the Task Force shall submit a report to Congress making findings and recommendations for legislative or other action, and including a specific plan detailing how the District will provide for the care of abandoned or otherwise abused infants for whom foster homes have not been found within 6 months of birth; and a timetable for implementing its recommendations.

(d) TERMINATION.—The Task Force shall terminate on submission of its report in accordance with subsection (c).

Nation's Capital Religious Liberty and Academic Freedom Act.
Schools and colleges.
Homosexuality.

SEC. 141. (a) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

"(A) the use of any fund, service, facility, or benefit; or

"(B) the granting of any endorsement, approval, or recognition,

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

This Act may be cited as the "District of Columbia Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3746:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 20, considered and passed House and Senate.

Public Law 101-169
101st Congress

Joint Resolution

To designate the period commencing on November 20, 1989, and ending on November 26, 1989, as "National Adoption Week".

Nov. 21, 1989
[H.J. Res. 278]

Whereas Thanksgiving week has been commemorated as "National Adoption Week" for the past 11 years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving permanent family as every child's basic right;

Whereas approximately fifty thousand children who have special needs—school age, in sibling groups, members of minorities, or children with physical, mental, and emotional handicaps—are now in foster care or institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these institutionalized or foster care children into permanent, adoptive homes would ensure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availability of adoptive children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and the public in general: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on November 20, 1989, and ending on November 26, 1989, is designated as "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.J. Res. 278 (S.J. Res. 187):

CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 24, considered and passed House.
Oct. 27, S.J. Res. 187 considered and passed Senate.
Nov. 13, H.J. Res. 278 considered and passed Senate.

Public Law 101-170
101st Congress

Joint Resolution

Designating November 19-25, 1989, as "National Family Caregivers Week".

Nov. 21, 1989
[H.J. Res. 282]

Whereas the number of Americans who are age 65 or older is growing;

Whereas there has been an unprecedented increase in the number of persons who are age 85 or older;

Whereas the incidence of frailty and disability increases among persons of advanced age;

Whereas approximately 5.2 million older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses, including the costs of home modifications, equipment rental, and additional heating;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregiving roles;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 19-25, 1989, is designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.J. Res. 282 (S.J. Res. 140):

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 16, considered and passed House and Senate.

Public Law 101-171
101st Congress

An Act

Granting the consent of the Congress to amendments to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

Nov. 22, 1989
[H.R. 2642]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Southeast Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of 1989.
42 USC 2021d note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of 1989".

42 USC 2021d note.

SEC. 2. CONSENT OF CONGRESS TO AMENDMENTS TO COMPACT.

Congress consents to the amendments to the Southeast Interstate Low-Level Radioactive Waste Management Compact made by party states to such Compact. Such amendments are substantially as follows:

At the end of article 5 add the following new section:

"E. No party state shall be required to operate a regional facility for longer than a 20-year period, or to dispose of more than 32,000,000 cubic feet of low-level radioactive waste, whichever first occurs.".

Article 7 is amended by striking out sections G and H and inserting in lieu thereof the following:

"G. Subject to the provisions of Article 7 Section H., any party state may withdraw from the compact by enacting a law repealing the compact, provided that if a regional facility is located within such state, such regional facility shall remain available to the region for four years after the date the Commission receives verification in writing from the Governor of such party state of the rescission of the Compact. The Commission, upon receipt of the verification, shall as soon as practicable provide copies of such verification to the Governor, the Presidents of the Senates, and the Speakers of the Houses of Representatives of the party states as well as the chairmen of the appropriate committees of the Congress.

"H. The right of a party state to withdraw pursuant to section G. shall terminate thirty days following the commencement of operation of the second host state disposal facility. Thereafter a party state may withdraw only with the unanimous approval of the Commission and with the consent of Congress. For purposes of this section, the low-level radioactive waste disposal facility located in Barnwell County, South Carolina shall be considered the first host state disposal facility.

South Carolina.

"I. This compact may be terminated only by the affirmative action of the Congress or by rescission of all laws enacting the compact in each party state.".

Approved November 22, 1989.

LEGISLATIVE HISTORY—H.R. 2642 (S. 1563):

HOUSE REPORTS: No. 101-238, Pt. 1 (Comm. on Interior and Insular Affairs) and
Pt. 2 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 30, considered and passed House.
Nov. 3, S. 1563 considered and passed Senate.
Nov. 9, H.R. 2642 considered and passed Senate.

Public Law 101-172
101st Congress

An Act

To authorize the transfer of a specified naval landing ship dock to the Government of Brazil under the leasing authority of chapter 6 of the Arms Export Control Act.

Nov. 22, 1989
[H.R. 3544]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO LEASE.

(a) In General.—The Secretary of the Navy is authorized to lease the naval landing ship dock Hermitage (LSD 34) to the Government of Brazil. A lease under this Act may be renewed.

(b) Applicable Law.—Such leasing shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796a; relating to reports to Congress) shall only apply to renewals of the lease.

SEC. 2. COSTS OF LEASING.

Any expense of the United States in connection with the lease authorized by section 1 shall be charged to the Government of Brazil.

SEC. 3. CONSIDERATION FOR LEASE.

Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the lease of the ship described in section 1(a) may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ship by the Government of Brazil.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1(a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act unless the lease authorized by that section is entered into during that period.

Approved November 22, 1989.

LEGISLATIVE HISTORY—H.R. 3544:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 6, considered and passed House.
Nov. 13, considered and passed Senate.

Public Law 101-173
101st Congress

An Act

Nov. 27, 1989
[H.R. 215]

To amend title 5, United States Code, with respect to the method by which premium pay is determined for irregular, unscheduled overtime duty performed by a Federal employee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require the employee to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is an appropriate percentage, not less than 10 percent nor more than 25 percent, of the rate of basic pay for the position, as determined by taking into consideration the frequency and duration of irregular, unscheduled overtime duty required in the position.".

Effective date.
5 USC 5545 note.

(b) The amendment made by subsection (a) shall apply with respect to overtime duty performed on or after the first day of the first applicable pay period beginning after September 30, 1990.

Approved November 27, 1989.

LEGISLATIVE HISTORY—H.R. 215:

HOUSE REPORTS: No. 101-325, Pt. 1 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 13, considered and passed House and Senate.

Public Law 101-174
101st Congress

Joint Resolution

Designating November 16, 1989, as "Interstitial Cystitis Awareness Day".

Nov. 27, 1989
[H.J. Res. 291]

Whereas approximately 500,000 people in the United States suffer from interstitial cystitis, which is an inflammation of the bladder wall;

Whereas 90 percent of the victims of interstitial cystitis are women;

Whereas a symptom of interstitial cystitis is an urgent need to urinate (up to 60 times a day in severe cases);

Whereas interstitial cystitis is associated with intermittent or chronic pain due to the inflammation of the bladder wall;

Whereas sometimes the pain resulting from interstitial cystitis is so great it causes victims to take their own lives, though interstitial cystitis itself is not fatal;

Whereas the estimated economic impact in 1988 of interstitial cystitis was $1,700,000,000 in medical costs and lost productivity and wages;

Whereas prior to 1988, interstitial cystitis was an "orphan" disease and ignored by Federal funding for research; and

Whereas the Federal Government should substantially increase the funding of research of interstitial cystitis so that its funding is the same as other urological diseases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 16, 1989, is designated as "Interstitial Cystitis Awareness Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day by increasing their awareness of interstitial cystitis and participating in other appropriate activities.

Approved November 27, 1989.

LEGISLATIVE HISTORY—H.J. Res. 291:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 16, considered and passed House.
Nov. 17, considered and passed Senate.

Public Law 101-175
101st Congress

An Act

Nov. 27, 1989
[S. 931]

To protect a segment of the Genesee River in New York.

Genesee River Protection Act of 1989.
Conservation.
Historic preservation.
16 USC 1276 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genesee River Protection Act of 1989".

16 USC 1276 note.

SEC. 2. PROTECTION OF THE GENESEE RIVER.

In order to protect for present and future generations the outstanding scenic, natural, recreational, scientific, cultural, and ecological values of the Genesee River within Letchworth Gorge State Park in the State of New York, and to assist in the protection and enhancement of the Gorge's archeological sites of sacred significance to the Seneca Nation, historic areas, endangered plant communities, and diverse recreation uses, the protections afforded for rivers listed in section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) for study for potential addition to the National Wild and Scenic Rivers System shall apply to the segment of the Genesee River beginning at the southern boundary of Letchworth Gorge State Park and extending downstream to the Mt. Morris Dam, except that the protection so afforded shall not interfere with the Secretary of the Army's operation and management of Mt. Morris Dam as authorized for purposes of flood control.

Approved November 27, 1989.

LEGISLATIVE HISTORY—S. 931:

HOUSE REPORTS: No. 101-338 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-111 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Sept. 12, considered and passed Senate.
Nov. 13, considered and passed House.

Public Law 101-176
101st Congress

Joint Resolution

To designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week".

Nov. 27, 1989
[S.J. Res. 184]

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week" are designated as "National Home Care Week", and the President is authorized and requested to issue proclamations calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

Approved November 27, 1989.

LEGISLATIVE HISTORY—S.J. Res. 184:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 20, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 101-177
101st Congress

An Act

Nov. 28, 1989
[H.R. 1310]

To redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Maryland.
District of Columbia.

SECTION 1. REDESIGNATION OF PARKWAY.

The portion of the George Washington Memorial Parkway extending from the intersection of such Parkway and MacArthur Boulevard in Montgomery County, Maryland, to the intersection of such Parkway and Canal Road in the District of Columbia is hereby redesignated as the "Clara Barton Parkway".

SEC. 2. REFERENCES.

Any reference in a law, rule, map, document, record, or other paper of the United States to the George Washington Memorial Parkway that includes the portion of such Parkway redesignated as the "Clara Barton Parkway" shall be deemed to include a reference to the "Clara Barton Parkway".

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.R. 1310:

HOUSE REPORTS: No. 101-285 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-202 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 16, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 101-178
101st Congress

An Act

To amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994.

Nov. 28, 1989
[H.R. 2120]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking "and" immediately after "September 30, 1986,"; and

(2) by inserting ", and $1,525,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994" immediately before the period at the end thereof.

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.R. 2120:

HOUSE REPORTS: No. 101-175, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 101-190 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 23, considered and passed House.
Nov. 14, considered and passed Senate.

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Public Law 101-179
101st Congress

An Act

Nov. 28, 1989
[H.R. 3402]

To promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European Democracy (SEED).

Support for East European Democracy (SEED) Act of 1989.
22 USC 5401 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Support for East European Democracy (SEED) Act of 1989".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Support for East European Democracy (SEED) Program.

TITLE I—STRUCTURAL ADJUSTMENT

Sec. 101. Multilateral support for structural adjustment in Poland and Hungary.
Sec. 102. Stabilization assistance for Poland.
Sec. 103. Agricultural assistance.
Sec. 104. Debt-for-equity swaps and other special techniques.

TITLE II—PRIVATE SECTOR DEVELOPMENT

Sec. 201. Enterprise Funds for Poland and Hungary.
Sec. 202. Labor market transition in Poland and Hungary.
Sec. 203. Technical training for private sector development in Poland and Hungary.
Sec. 204. Peace Corps programs in Poland and Hungary.
Sec. 205. Use of Polish currency generated by agricultural assistance.
Sec. 206. United States policy of private financial support for Polish and Hungarian credit unions.

TITLE III—TRADE AND INVESTMENT

Sec. 301. Eligibility of Poland for Generalized System of Preferences.
Sec. 302. Overseas Private Investment Corporation programs for Poland and Hungary.
Sec. 303. Export-Import Bank programs for Poland and Hungary.
Sec. 304. Trade Credit Insurance Program for Poland.
Sec. 305. Trade and Development Program activities for Poland and Hungary.
Sec. 306. Bilateral investment treaties with Poland and Hungary.
Sec. 307. Certain Polish bonds not subject to Internal Revenue Code rules relating to below-market loans.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

Sec. 401. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.
Sec. 402. Poland-Hungary scholarship partnership.
Sec. 403. Science and technology exchange with Poland and Hungary.

TITLE V—OTHER ASSISTANCE PROGRAMS

Sec. 501. Assistance in support of democratic institutions in Poland and Hungary.
Sec. 502. Environmental initiatives for Poland and Hungary.
Sec. 503. Medical supplies, hospital equipment, and medical training for Poland.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

Sec. 601. Policy coordination of SEED Program.
Sec. 602. SEED Information Center System.
Sec. 603. Encouraging voluntary assistance for Poland and Hungary.
Sec. 604. Economic and commercial officers at United States Embassies and missions in Poland and Hungary.

TITLE VII—REPORTS TO CONGRESS

Sec. 701. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance.
Sec. 702. Report on confidence building measures by Poland and Hungary.
Sec. 703. Report on environmental problems in Poland and Hungary.
Sec. 704. Annual SEED Program report.
Sec. 705. Reports on certain activities.
Sec. 706. Notifications to Congress regarding assistance.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Suspension of SEED assistance.
Sec. 802. Declaration of the Republic of Hungary.
Sec. 803. Administrative expenses of the Agency for International Development.
Sec. 804. Relation of provisions of this Act to certain provisions of appropriations Acts.
Sec. 805. Certain uses of excess foreign currencies.

SEC. 2. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.

22 USC 5401.

(a) SEED Program.—The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the "SEED Program"). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

(b) Objectives of SEED Assistance.—The President should ensure that the assistance provided to East European countries pursuant to this Act is designed—

(1) to contribute to the development of democratic institutions and political pluralism characterized by—

(A) the establishment of fully democratic and representative political systems based on free and fair elections,

(B) effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association,

(C) termination of all laws and regulations which impede the operation of a free press and the formation of political parties,

(D) creation of an independent judiciary, and

(E) establishment of non-partisan military, security, and police forces;

(2) to promote the development of a free market economic system characterized by—

(A) privatization of economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations,

(C) simplification of regulatory controls regarding the establishment and operation of businesses,

(D) dismantlement of all wage and price controls,

(E) removal of trade restrictions, including on both imports and exports,

(F) liberalization of investment and capital, including the repatriation of profits by foreign investors;

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service firms, as well as unrestricted access to private sources of credit, and

(I) access to a market for stocks, bonds, and other instruments through which individuals may invest in the private sector; and

(3) not to contribute any substantial benefit—

(A) to Communist or other political parties or organizations which are not committed to respect for the democratic process, or

(B) to the defense or security forces of any member country of the Warsaw Pact.

(c) SEED ACTIONS.—Assistance and other activities under the SEED Program (which may be referred to as "SEED Actions") shall include activities such as the following:

(1) LEADERSHIP IN THE WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting—

(A) loans by the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group that are designed to modernize industry, agriculture, and infrastructure, and

(B) International Monetary Fund programs designed to stimulate sound economic growth.

(2) CURRENCY STABILIZATION LOANS.—United States leadership in supporting multilateral agreement to provide government-to-government loans for currency stabilization where such loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

(3) DEBT REDUCTION AND RESCHEDULING.—Participation in multilateral activities aimed at reducing and rescheduling a country's international debt, when reduction and deferral of debt payments can assist the process of political and economic transition.

(4) AGRICULTURAL ASSISTANCE.—Assistance through the grant and concessional sale of food and other agricultural commodities and products when such assistance can ease critical shortages but not inhibit agricultural production and marketing in the recipient country.

(5) ENTERPRISE FUNDS.—Grants to support private, nonprofit "Enterprise Funds", designated by the President pursuant to law and governed by a Board of Directors, which undertake loans, grants, equity investments, feasibility studies, technical assistance, training, and other forms of assistance to private enterprise activities in the Eastern European country for which the Enterprise Fund so is designated.

(6) LABOR MARKET-ORIENTED TECHNICAL ASSISTANCE.—Technical assistance programs directed at promoting labor market reforms and facilitating economic adjustment.

(7) TECHNICAL TRAINING.—Programs to provide technical skills to assist in the development of a market economy.

(8) PEACE CORPS.—Establishment of Peace Corps programs.

(9) SUPPORT FOR INDIGENOUS CREDIT UNIONS.—Support for the establishment of indigenous credit unions.

(10) GENERALIZED SYSTEM OF PREFERENCES.—Eligibility for trade benefits under the Generalized System of Preferences.

(11) MOST FAVORED NATION TRADE STATUS.—The granting of temporary or permanent nondiscriminatory treatment (commonly referred to as "most favored nation status") to the products of an East European country through the application of the criteria and procedures established by section 402 of the Trade Act of 1974 (19 U.S.C. 2432; commonly referred to as the "Jackson-Vanik amendment").

(12) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Programs of the Overseas Private Investment Corporation.

(13) EXPORT-IMPORT BANK PROGRAMS.—Programs of the Export-Import Bank of the United States.

(14) TRADE AND DEVELOPMENT PROGRAM ACTIVITIES.—Trade and Development Program activities under the Foreign Assistance Act of 1961.

(15) INVESTMENT TREATIES.—Negotiation of bilateral investment treaties.

(16) SPECIAL TAX TREATMENT OF BELOW-MARKET LOANS.—Exempting bonds from Internal Revenue Code rules relating to below-market loans.

(17) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the United States Information Agency.

(18) CULTURAL CENTERS.—Contributions toward the establishment of reciprocal cultural centers that can facilitate educational and cultural exchange and expanded understanding of Western social democracy.

(19) SISTER INSTITUTIONS.—Establishment of sister institution programs between American and East European schools and universities, towns and cities, and other organizations in such fields as medicine and health care, business management, environmental protection, and agriculture.

(20) SCHOLARSHIPS.—Scholarships to enable students to study in the United States.

(21) SCIENCE AND TECHNOLOGY EXCHANGES.—Grants for the implementation of bilateral agreements providing for cooperation in science and technology exchange.

(22) ASSISTANCE FOR DEMOCRATIC INSTITUTIONS.—Assistance designed to support the development of legal, legislative, electoral, journalistic, and other institutions of free, pluralist societies.

(23) ENVIRONMENTAL ASSISTANCE.—Environmental assistance directed at overcoming crucial deficiencies in air and water quality and other determinants of a healthful society.

(24) MEDICAL ASSISTANCE.—Medical assistance specifically targeted to overcome severe deficiencies in pharmaceuticals and other basic health supplies.

(25) ENCOURAGEMENT FOR PRIVATE INVESTMENT AND VOLUNTARY ASSISTANCE.—Encouraging private investment and voluntary private assistance, using a variety of means including a SEED Information Center System and the provision by the Department of Defense of transportation for private nonfinancial contributions.

TITLE I—STRUCTURAL ADJUSTMENT

Banks and banking.
22 USC 5411.

SEC. 101. MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT IN POLAND AND HUNGARY.

(a) MULTILATERAL ASSISTANCE FOR POLAND AND HUNGARY.—

(1) IN GENERAL.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall take the leadership in mobilizing international financial institutions, in particular the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Poland and Hungary.

Exports.
Agriculture and agricultural commodities.

(2) WORLD BANK STRUCTURAL ADJUSTMENT LOAN FOR POLAND.—In furtherance of paragraph (1), the Secretary of the Treasury shall direct the United States Executive Director of the International Bank for Reconstruction and Development to urge expeditious approval and disbursement by the Bank of a structural adjustment loan to Poland in an appropriate amount in time to facilitate the implementation of major economic reforms scheduled for early 1990, including the termination of energy, export, and agricultural subsidies and wage indexation.

International organizations.

(b) STABILIZATION ASSISTANCE, DEBT RELIEF, AND AGRICULTURAL ASSISTANCE FOR POLAND.—To the extent that Poland continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall do the following:

(1) STABILIZATION ASSISTANCE.—The United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a plan of the Government of Poland to attack hyperinflation and other structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Poland, through the use of mechanisms such as—

(A) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

(B) the authority provided in section 102(c) of this Act.

(2) DEBT RELIEF.—The United States Government—

(A) shall urge all members of the "Paris Club" of creditor governments and other creditor governments to adopt, and participate in, a generous and early rescheduling program for debts owed by the Government of Poland; and

(B) in coordination with other creditor governments, shall seek to expedite consultations between the Government of Poland and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.

(3) AGRICULTURAL ASSISTANCE.—The United States Government shall provide agricultural assistance for Poland in accordance with section 103.

SEC. 102. STABILIZATION ASSISTANCE FOR POLAND.

22 USC 5412.

(a) IMMEDIATE EMERGENCY ASSISTANCE.—To the extent that the ongoing International Monetary Fund review of the Polish economy projects a probable balance of payments shortage for the fourth quarter of 1989, the United States Government, in carrying out paragraph (1) of section 101(b)—

(1) should work closely with the European Community and international financial institutions to determine the extent of emergency assistance required by Poland for the fourth quarter of 1989, and

(2) should consider extending a bridge loan to relieve immediate and urgent balance of payments requirements using the Exchange Stabilization Fund in accordance with paragraph (1)(A) of section 101(b).

(b) IMMEDIATE, MULTILATERAL RESPONSE TO POLAND'S ECONOMIC STABILIZATION NEEDS.—In furtherance of section 101(b)(1), the President, acting in coordination with the European Community, should seek to ensure that the industrialized democracies undertake an immediate, multilateral effort to respond to Poland's request for $1,000,000,000 to support its economic stabilization program.

(c) ADDITIONAL AUTHORITY TO PROVIDE STABILIZATION ASSISTANCE.—

President of U.S.

(1) AUTHORITY.—In order to carry out paragraph (1) of section 101(b), the President is authorized to furnish assistance for Poland, notwithstanding any other provision of law, to assist in the urgent stabilization of the Polish economy and ultimately to promote longer-term economic growth and stability, based on movement toward free market principles. Such assistance may be provided for balance of payments support (including commodity import programs), support for private sector development, or for other activities to further efforts to develop a free market-oriented economy in Poland.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing the assistance authorized by this subsection, there are authorized to be appropriated $200,000,000 for fiscal year 1990 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund), in addition to amounts otherwise available for such purposes.

SEC. 103. AGRICULTURAL ASSISTANCE.

22 USC 5413.

(a) AGRICULTURAL ASSISTANCE STRATEGY.—

(1) UNITED STATES ASSISTANCE.—A principal component of the SEED Program shall be the provision by the United States of food and other agricultural commodities and products to alleviate crucial shortages that may be created in an East European country by the transition from state-directed controls to a free market economy.

(2) ASSISTANCE FROM OTHER COUNTRIES.—In order to ensure the necessary quantity and diversity of agricultural assistance for that purpose, the United States shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(3) AVOIDING DISINCENTIVES TO PRIVATE AGRICULTURAL PRODUCTION AND MARKETING.—In participating in such multilateral agricultural assistance, the United States shall seek to strike a balance wherein agricultural commodities and products are supplied in such quantities as will be effective in overcoming severe shortages and dampening inflation but without impeding the development of incentives for private agricultural production and marketing in the recipient country.

(b) AGRICULTURAL ASSISTANCE FOR POLAND.—Pursuant to section 101(b)(3), the United States Government—

(1) shall make available to Poland, in coordination with the European Community, United States agricultural assistance—

Hunger.

(A) to alleviate immediate food shortages (such assistance to be specifically targeted toward elements of the Polish population most vulnerable to hunger and malnutrition, in particular the infirm, the elderly, and children), and

(B) to facilitate the transition from state-directed controls to a free market economy, while avoiding disincentives to domestic agricultural production and reform; and

(2) in order to ensure the necessary quantity and diversity of such agricultural assistance, shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(c) FY 1990 MINIMUM LEVEL OF AGRICULTURAL ASSISTANCE FOR POLAND.—In carrying out subsection (b) of this section, the level of assistance for Poland for fiscal year 1990 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o) should not be less than $125,000,000. Such assistance—

(1) to the maximum extent practicable, shall be provided through nongovernmental organizations; and

(2) shall emphasize feed grains.

(d) CONSISTENCY WITH BUDGET REQUIREMENTS.—Subsection (c) should not be construed to authorize or require any budgetary obligations or outlays that are inconsistent with House Concurrent Resolution 106 of the 101st Congress (setting forth the congressional budget for the United States Government for fiscal year 1990).

22 USC 5414.

SEC. 104. DEBT-FOR-EQUITY SWAPS AND OTHER SPECIAL TECHNIQUES.

President of U.S.

(a) REDUCTION OF DEBT BURDEN.—The President shall take all appropriate actions to explore and encourage innovative approaches to the reduction of the government-to-government and commercial debt burden of East European countries which have taken substantive steps toward political democracy and economic pluralism.

(b) AUTHORITY FOR DISCOUNTED SALES OF DEBT.—Notwithstanding any other provision of law, the President may undertake the discounted sale, tc private purchasers, of United States Government debt obligations of an East European country which has taken substantive steps toward political democracy and economic pluralism, subject to subsection (c).

(c) CONDITION.—An obligation may be sold under subsection (b) only if the sale will facilitate so-called debt-for-equity or debt-for-development swaps wherein such newly privatized debt is exchanged by the new holder of the obligation for—

(1) local currencies, policy commitments, or other assets needed for development or other economic activities, or

(2) for an equity interest in an enterprise theretofore owned by the particular East European government.

TITLE II—PRIVATE SECTOR DEVELOPMENT

SEC. 201. ENTERPRISE FUNDS FOR POLAND AND HUNGARY.

Agriculture and agricultural commodities. Loans. Insurance. 22 USC 5421.

(a) PURPOSES.—The purposes of this section are to promote—

(1) development of the Polish and Hungarian private sectors, including small businesses, the agricultural sector, and joint ventures with United States and host country participants, and

(2) policies and practices conducive to private sector development in Poland and Hungary,

through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes specified in subsection (a), there are authorized to be appropriated to the President—

(1) $240,000,000 to support the Polish-American Enterprise Fund; and

(2) $60,000,000 to support the Hungarian-American Enterprise Fund.

Such amounts are authorized to be made available until expended.

(c) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated under subsection (b) may be made available to the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and used for the purposes of this section notwithstanding any other provision of law.

(d) DESIGNATION OF ENTERPRISE FUNDS.—

President of U.S.

(1) DESIGNATION.—The President is authorized to designate two private, nonprofit organizations as eligible to receive funds and support pursuant to this section upon determining that such organizations have been established for the purposes specified in subsection (a). For purposes of this Act, the organizations so designated shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (hereinafter in this section referred to as the "Enterprise Funds").

President of U.S.

(2) CONSULTATION WITH CONGRESS.—The President shall consult with the leadership of each House of Congress before designating an organization pursuant to paragraph (1).

(3) BOARD OF DIRECTORS.—(A) Each Enterprise Fund shall be governed by a Board of Directors comprised of private citizens of the United States, and citizens of the respective host country, who have demonstrated experience and expertise in those areas of private sector development in which the Enterprise Fund is involved.

(B) A majority of the members of the Board of Directors of each Enterprise Fund shall be United States citizens.

(C) A host country citizen who is not committed to respect for democracy and a free market economy may not serve as a member of the Board of Directors of an Enterprise Fund.

(4) ELIGIBILITY OF ENTERPRISE FUNDS FOR GRANTS.—Grants may be made to an Enterprise Fund under this section only if the Enterprise Fund agrees to comply with the requirements specified in this section.

(5) Private character of enterprise funds.—Nothing in this section shall be construed to make an Enterprise Fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an Enterprise Fund officers or employees of the United States for purposes of title 5, United States Code.

President of U.S.

(e) Grants to Enterprise Funds.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds by the Agency for International Development to enable the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund.

(f) Eligible Programs and Projects.—

(1) In general.—The Enterprise Funds may provide assistance pursuant to this section only for programs and projects which are consistent with the purposes set forth in subsection (a).

(2) Employee stock ownership plans.—Funds available to the Enterprise Funds may be used to encourage the establishment of Employee Stock Ownership Plans (ESOPs) in Poland and Hungary.

(3) Indigenous credit unions.—Funds available to the Enterprise Funds may be used for technical and other assistance to support the development of indigenous credit unions in Poland and Hungary. As used in this paragraph, the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution.

(4) Telecommunications modernization in Poland.—The Polish-American Enterprise Fund may use up to $25,000,000 for grants for projects providing for the early introduction in Poland of modern telephone systems and telecommunications technology, which are crucial in establishing the conditions for successful transition to political democracy and economic pluralism.

(5) Economic foundation of NSZZ Solidarność.—Funds available to the Polish-American Enterprise Fund may be used to support the Economic Foundation of NSZZ Solidarność.

(g) Matters To Be Considered by Enterprise Funds.—In carrying out this section, each Enterprise Fund shall take into account such considerations as internationally recognized worker rights and other internationally recognized human rights, environmental factors, United States economic and employment effects, and the likelihood of commercial viability of the activity receiving assistance from the Enterprise Fund.

(h) Retention of Interest.—An Enterprise Fund may hold funds granted to it pursuant to this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a), and may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(i) USE OF UNITED STATES PRIVATE VENTURE CAPITAL.—In order to maximize the effectiveness of the activities of the Enterprise Funds, each Enterprise Fund may conduct public offerings or private placements for the purpose of soliciting and accepting United States venture capital which may be used, separately or together with funds made available pursuant to this section, for any lawful investment purpose that the Board of Directors of the Enterprise Fund may determine in carrying out this section. Financial returns on Enterprise Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Enterprise Fund may determine, to the investors of such capital.

(j) FINANCIAL INSTRUMENTS FOR INDIVIDUAL INVESTMENT IN POLAND.—In order to maximize the effectiveness of the activities of the Polish-American Enterprise Fund, that Enterprise Fund should undertake all possible efforts to establish financial instruments that will enable individuals to invest in the private sectors of Poland and that will thereby have the effect of multiplying the impact of United States grants to that Enterprise Fund.

(k) NONAPPLICABILITY OF OTHER LAWS.—Executive branch agencies may conduct programs and activities and provide services in support of the activities of the Enterprise Funds notwithstanding any other provision of law.

(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—No part of the funds of either Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(m) INDEPENDENT PRIVATE AUDITS.—The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by this section. Reports.

(n) GAO AUDITS.—The financial transactions undertaken pursuant to this section by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(o) RECORDKEEPING REQUIREMENTS.—The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(p) ANNUAL REPORTS.—Each Enterprise Fund shall publish an annual report, which shall include a comprehensive and detailed description of the Enterprise Fund's operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1991.

22 USC 5422.

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary"), in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

(b) TYPES OF TECHNICAL ASSISTANCE AUTHORIZED.—In carrying out subsection (a), the Secretary is authorized to provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary may deem appropriate regarding free labor markets and labor organizations.

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a), the Secretary is authorized to do the following:

Gifts and property.
Real property.

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following).

Voluntarism.

(2) Solicit and accept voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. A volunteer under this paragraph shall not be deemed to be an employee of the United States except for the purposes of—

(A) the tort claims provisions of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

International agreements.

(3) Enter into arrangements or agreements with appropriate departments, agencies, and establishments of Poland and Hungary.

(4) Enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

Contracts.
International organizations.

(d) CONSULTATION WITH APPROPRIATE OFFICERS.—In carrying out the responsibilities established by this section, the Secretary shall seek information and advice from, and consult with, appropriate officers of the United States.

(e) CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES.—For purposes of this section, consultation between the Secretary and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate the authority to carry out the programs authorized by this section to the head of the Bureau of International Labor Affairs of the Department of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor for the 3-year period beginning October 1, 1989, to carry out this section—

(1) $4,000,000 for technical assistance to Poland; and

(2) $1,000,000 for technical assistance to Hungary.

SEC. 203. TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT IN POLAND AND HUNGARY.

Agriculture and agricultural commodities.
22 USC 5423.

(a) TECHNICAL TRAINING PROGRAM.—The Agency for International Development shall develop and implement a program for extending basic agribusiness, commercial, entrepreneurial, financial, scientific, and technical skills to the people of Poland and Hungary to enable them to better meet their needs and develop a market economy. This program shall include management training and agricultural extension activities.

(b) PARTICIPATION BY ENTERPRISE FUNDS AND OTHER AGENCIES AND ORGANIZATIONS.—In carrying out subsection (a), the Agency for International Development may utilize the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and other appropriate Government and private agencies, programs, and organizations such as—

(1) the Department of Agriculture;

(2) the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(a) (1) and (2));

(3) the International Executive Service Corps;

(4) the Foundation for the Development of Polish Agriculture;

(5) the World Council of Credit Unions; and

(6) other United States, Polish, and Hungarian private and voluntary organizations and private sector entities.

(c) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance provided pursuant to subsection (a) under the authorities of part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of implementing this section, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance), in addition to amounts otherwise available for such purposes.

(e) LIMITATION WITH RESPECT TO FARMER-TO-FARMER PROGRAM.—Any activities carried out pursuant to this Act through the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 shall be funded with funds authorized to be appropriated by this Act and local currencies made available under section 205, and shall not be funded with funds made available pursuant to section 1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note) or a similar, subsequent provision of law.

22 USC 5424.

SEC. 204. PEACE CORPS PROGRAMS IN POLAND AND HUNGARY.

Appropriation authorization.

There are authorized to be appropriated to carry out programs in Poland and Hungary under the Peace Corps Act, $6,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes. Such programs shall include the use of Peace Corps volunteers—

(1) to provide English language training, and

(2) to extend the technical skills described in section 203(a) to the people of Poland and Hungary, using the Associate Volunteer Program to the extent practicable.

22 USC 5425.

SEC. 205. USE OF POLISH CURRENCY GENERATED BY AGRICULTURAL ASSISTANCE.

(a) ADDITIONAL ASSISTANCE FOR POLAND.—A portion of the agricultural commodities described in subsection (c) may be made available and sold or bartered in Poland to generate local currencies to be used—

(1) to complement the assistance for Poland authorized by sections 103(b), 201, and 203 of this Act, and

(2) to support the activities of the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note),

notwithstanding section 416(b)(7) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)) or any other provision of law.

(b) EMPHASIS ON AGRICULTURAL DEVELOPMENT.—The uses of local currencies generated under this section should emphasize the development of agricultural infrastructure, agriculture-related training, and other aspects of agricultural development in Poland.

(c) COMMODITIES SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to agricultural commodities made available for Poland for fiscal years 1990, 1991, and 1992 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o).

(d) OTHER USES NOT PRECLUDED.—The uses of agricultural commodities and local currencies specified in subsection (a) are in addition to other uses authorized by law.

Banks and banking.
22 USC 5426.

SEC. 206. UNITED STATES POLICY OF PRIVATE FINANCIAL SUPPORT FOR POLISH AND HUNGARIAN CREDIT UNIONS.

(a) IN GENERAL.—In order to facilitate the development of indigenous credit unions in Poland and Hungary, it is the policy of the United States that—

(1) United States citizens, financial institutions (other than federally insured depository institutions), and other persons may make contributions and loans to, make capital deposits in, and provide other forms of financial and technical assistance to credit unions in Poland and Hungary; and

(2) federally insured depository institutions may provide technical assistance to credit unions in Poland and Hungary, to the extent that the provision of such assistance is prudent and not inconsistent with safe and sound banking practice.

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) subject to such regulations as the Board may prescribe, to provide technical assistance to credit unions in Poland and Hungary; and".

(c) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution; and

(2) the term "federally insured depository institution" means—

(A) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(B) any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

TITLE III—TRADE AND INVESTMENT

SEC. 301. ELIGIBILITY OF POLAND FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Poland" in the table within such subsection.

SEC. 302. OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAMS FOR POLAND AND HUNGARY.

(a) ELIGIBILITY OF POLAND AND HUNGARY FOR OPIC PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", Poland, Hungary," after "Yugoslavia".

22 USC 2199 note.

(b) ENHANCEMENT OF NONGOVERNMENTAL SECTOR.—In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

22 USC 2199 note.

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, contains the same amendment that is made by subsection (a) of this section, the amendment made by that Act shall not be effective.

12 USC 635 note.

SEC. 303. EXPORT-IMPORT BANK PROGRAMS FOR POLAND AND HUNGARY.

(a) AUTHORITY TO EXTEND CREDIT TO POLAND AND HUNGARY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by the Republic of Hungary or any agency or national thereof or by the Polish People's Republic or any agency or national thereof.

(b) PRIVATE FINANCIAL INTERMEDIARIES TO FACILITATE EXPORTS TO POLAND.—Consistent with the provisions of the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following), the Export-Import Bank of the United States shall work with private financial intermediaries in Poland to facilitate the export of goods and services to Poland.

SEC. 304. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 224 (22 U.S.C 2184) the following new section:

22 USC 2185.

"SEC. 225. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

"(a) GENERAL AUTHORITY.—

President of U.S.

"(1) ASSURANCE TO EXPORT-IMPORT BANK OF REPAYMENT.—The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have reasonable assurance of repayment.

"(2) LIABILITIES WHICH MAY BE GUARANTEED.—The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

"(b) GUARANTEES AVAILABLE ONLY FOR SHORT-TERM GUARANTEES AND INSURANCE.—Guarantees provided under subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

"(c) AGREEMENT ON CRITERIA AND PROCEDURES.—Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

"(d) RESERVE FUND.—The agreement referred to in subsection (c) shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a).

"(e) DISCHARGE OF LIABILITIES.—

"(1) FUNDS WHICH MAY BE USED.—Such amounts of the funds made available to carry out chapter 4 of part II of this Act (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a).

Claims.

"(2) CREDITING OF SUBSEQUENT PAYMENTS.—To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a).

"(f) Appropriations Action Required.—Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

"(g) Limitation on Outstanding Commitments.—The aggregate amount of outstanding commitments under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal during any fiscal year.

"(h) Biannual Reports to Congress.—Every 6 months, the Administrator and the President of the Bank shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period.

Banks and banking.

"(i) Administrative and Technical Assistance.—The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank and the Administrator determine appropriate to assist the administering agency in carrying out this section.

Banks and banking.

"(j) Fees and Premiums.—The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a), that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

"(1) shall be credited to the reserve fund established pursuant to subsection (d),

"(2) shall be merged with the funds in such reserve, and

"(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a).

"(k) Restrictions Not Applicable.—Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

"(l) Expiration of Authority.—The President may not enter into any commitments to guarantee under subsection (a) after September 30, 1992.

"(m) Definitions.—For purposes of this section—

"(1) the term 'administering agency' means the Agency for International Development;

"(2) the term 'Administrator' means the Administrator of the Agency for International Development; and

"(3) the term 'Bank' means the Export-Import Bank of the United States.".

(b) Conforming Amendment.—Section 224 of that Act is amended by inserting "For Central America" after "Program" in the section caption.

22 USC 2184.

22 USC 2185 note.

(c) CONFORMING REFERENCE.—With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to section 224 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 225 of that Act (as enacted by this section).

22 USC 2421 note.

SEC. 305. TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY.

Appropriation authorization.

In order to permit expansion of the Trade and Development Program into Poland and Hungary, there are authorized to be appropriated $6,000,000 for the 3-year period beginning October 1, 1989, to carry out section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2241), in addition to amounts otherwise available for such purpose.

SEC. 306. BILATERAL INVESTMENT TREATIES WITH POLAND AND HUNGARY.

The Congress urges the President to seek bilateral investment treaties with Poland and Hungary in order to establish a more stable legal framework for United States investment in those countries.

Taxes.

SEC. 307. CERTAIN POLISH BONDS NOT SUBJECT TO INTERNAL REVENUE CODE RULES RELATING TO BELOW-MARKET LOANS.

26 USC 7872 note.

(a) IN GENERAL.—Paragraph (5) of section 1812(b) of the Tax Reform Act of 1986 is amended—

(1) by inserting "or Poland" after "Israel" in the text thereof, and

(2) by inserting "OR POLISH" after "ISRAEL" in the heading thereof.

26 USC 7872 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

22 USC 5441.

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS WITH POLAND AND HUNGARY.

(a) EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) SUPPORT FOR EXPANDED U.S. PARTICIPATION.—The United States should expand its participation in educational and cultural exchange activities with Poland and Hungary, using the full array of existing government-funded and privately-funded programs, with particular emphasis on the J. William Fulbright Educational Exchange Program, the International Visitors Program, the Samantha Smith Memorial Exchange Program, the exchange programs of the National Academy of Sciences, youth and student exchanges through such private organizations as The Experiment in International Living, The American Field Service Committee, and Youth for Understanding, and research exchanges sponsored by the International Research and Exchanges Board (IREX).

(2) EMPHASIS ON SKILLS IN BUSINESS AND ECONOMICS.—The United States should place particular emphasis on expanding its participation in educational exchange activities that will assist in developing the skills in business and economics that

are necessary for the development of a free market economy in Poland and Hungary.

(b) BINATIONAL FULBRIGHT COMMISSIONS.—The United States should take all appropriate action to establish binational Fulbright commissions with Poland and Hungary in order to facilitate and enhance academic and scholarly exchanges with those countries.

(c) RECIPROCAL CULTURAL CENTERS.—The President should consider the establishment of reciprocal cultural centers in Poland and the United States and in Hungary and the United States to facilitate government-funded and privately-funded cultural exchanges.

President of U.S.

(d) SISTER INSTITUTIONS PROGRAMS.—The President shall act to encourage the establishment of "sister institution" programs between American and Polish organizations and between American and Hungarian organizations, including such organizations as institutions of higher education, cities and towns, and organizations in such fields as medicine and health care, business management, environmental protection, and agricultural research and marketing.

(e) AUTHORIZATION OF APPROPRIATIONS.—To enable the United States Information Agency to support the activities described in this section, there are authorized to be appropriated $12,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes.

SEC. 402. POLAND-HUNGARY SCHOLARSHIP PARTNERSHIP.

State and local governments.
Schools and colleges.
22 USC 5442.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development is authorized to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from Poland and Hungary to study in the United States.

(b) EMPHASIS ON BUSINESS AND ECONOMICS.—The scholarship program provided for in this section shall emphasize scholarships to enable students from Poland and Hungary to study business and economics in the United States. Such scholarships may be provided for study in programs that range from the standard management courses to more specialized assistance in commercial banking and the creation of a stock market.

(c) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate or graduate degree programs, and training programs of one year or longer, in study areas related to the critical development needs of Poland and Hungary.

(d) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(e) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall not be more than 50 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(g) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to Poland or Hungary, as the case may be, for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(h) Private Sector Participation.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(i) Funding.—Grants to States pursuant to this section shall be made with funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). In addition to amounts otherwise available for such purpose under those chapters, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, for use in carrying out this section.

Appropriation authorization.

(j) Restrictions not Applicable.—Prohibitions on the use of foreign assistance funds for assistance for Poland and Hungary shall not apply with respect to the funds made available to carry out this section.

(k) Definition of State.—As used in this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Appropriation authorizations.
22 USC 5443.

SEC. 403. SCIENCE AND TECHNOLOGY EXCHANGE WITH POLAND AND HUNGARY.

(a) Agreement With Poland.—There are authorized to be appropriated to the Secretary of State for purposes of continuing to implement the 1987 United States-Polish science and technology agreement—

(1) $1,500,000 for fiscal year 1990,
(2) $2,000,000 for fiscal year 1991, and
(3) $2,000,000 for fiscal year 1992.

(b) Agreement With Hungary.—There are authorized to be appropriated to the Secretary of State for purposes of implementing the 1989 United States-Hungarian science and technology agreement—

(1) $500,000 for fiscal year 1990,
(2) $1,000,000 for fiscal year 1991, and
(3) $1,000,000 for fiscal year 1992.

(c) Definition of Agreements Being Funded.—For purposes of this section—

(1) the term "1987 United States-Polish science and technology agreement" refers to the agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto; and

(2) the term "1989 United States-Hungarian science and technology agreement" refers to the agreement concluded in 1989 by the United States and Hungary, entitled "Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic for Scientific

and Technology Cooperation", together with annexes relating thereto.

TITLE V—OTHER ASSISTANCE PROGRAMS

SEC. 501. ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS IN POLAND AND HUNGARY.

22 USC 5451.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $12,000,000 for the 3-year period beginning October 1, 1989, which shall be available only for the support of democratic institutions and activities in Poland and Hungary.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law.

SEC. 502. ENVIRONMENTAL INITIATIVES FOR POLAND AND HUNGARY.

22 USC 5452.

(a) PRIORITY FOR THE CONTROL OF POLLUTION.—The Congress recognizes the severe pollution problems affecting Poland and Hungary and the serious health problems which ensue from such pollution. The Congress therefore directs that a high priority be given in the implementation of assistance to Poland and Hungary to the control of pollution and the restoration of the natural resource base on which a sustainable, healthy economy depends.

(b) EPA ACTIVITIES GENERALLY.—In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (hereinafter in this section referred to as the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

(c) EPA ACTIVITIES IN POLAND.—The Administrator shall cooperate with Polish officials and experts to—

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

Water.

(d) EPA ACTIVITIES IN HUNGARY.—The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

(e) FUNDING OF EPA ACTIVITIES.—To enable the Environmental Protection Agency to carry out subsections (b), (c), and (d), there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of Part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). These funds may be used to carry out those subsections notwith-

Appropriation authorization.

standing any provision of law relating to the use of foreign assistance funds.

(f) DEPARTMENT OF ENERGY ACTIVITIES RELATING TO FOSSIL FUELS.—

(1) CLEAN COAL.—The Secretary of Energy shall cooperate with Polish officials and experts to retrofit a coal-fired commercial powerplant in the Krakow, Poland, region with advanced clean coal technology that has been successfully demonstrated at a comparably scaled powerplant in the United States. Such retrofit shall be carried out by one or more United States companies using United States technology and equipment manufactured in the United States. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(2) EQUIPMENT ASSESSMENT.—The Secretary of Energy shall cooperate with Polish officials and experts and companies within the United States to assess and develop the capability within Poland to manufacture or modify boilers, furnaces, smelters, or other equipment that will enable industrial facilities within Poland to use fossil fuels cleanly. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraphs (1) and (2) of this subsection, there are authorized to be appropriated $30,000,000 for the 3-year period beginning October 1, 1989. Not more than $10,000,000 of the funds appropriated under this paragraph may be used to carry out the requirements of paragraph (1).

Conservation.

(g) PRIORITY FOR EFFICIENT ENERGY USE.—In view of the high energy usage per unit of output in Hungary and Poland, the Secretary of Energy shall give high priority to assisting officials of Poland and Hungary in improving the efficiency of their energy use, through emphasis on such measures as efficient motors, lights, gears, and appliances and improvements in building insulation and design.

(h) ALTERNATIVE INVESTMENTS IN ENERGY IN HUNGARY.—It is the sense of the Congress that the Executive branch should work with the Government of Hungary to achieve environmentally safe alternative investments in energy efficiency, particularly with regard to projects along the Danube River.

22 USC 5453.

SEC. 503. MEDICAL SUPPLIES, HOSPITAL EQUIPMENT, AND MEDICAL TRAINING FOR POLAND.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $4,000,000 for the 3-year period beginning October 1, 1989, which shall be available only—

(1) for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment, and

(2) for training of Polish medical personnel.

Abortion.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, other than—

(1) section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f); relating to the prohibition on the use of funds for abortions and involuntary sterilizations), and

(2) any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that relates to abortion.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

SEC. 601. POLICY COORDINATION OF SEED PROGRAM.

President of U.S.
22 USC 5461.

The President shall designate, within the Department of State, a SEED Program coordinator who shall be directly responsible for overseeing and coordinating all programs described in this Act and all other activities that the United States Government conducts in furtherance of the purposes of this Act.

SEC. 602. SEED INFORMATION CENTER SYSTEM.

22 USC 5462.
President of U.S.

(a) Establishment.—The President shall establish a SEED Information Center System, using existing Executive branch agencies and acting in cooperation with the Government of Poland and the Government of Hungary.

(b) Functions.—

(1) In general.—The SEED Information Center System shall serve as a central clearinghouse mechanism for information relating to—

(A) business needs and opportunities in Eastern Europe, and

(B) voluntary assistance to countries in Eastern Europe.

(2) Private enterprise development.—The SEED Information Center System shall be organized, among other purposes, to encourage—

(A) the submission of economically sound proposals to the Polish-American Enterprise Fund and Hungarian-American Enterprise Fund, and

(B) other sources of finance for the development of private enterprise in Eastern Europe.

District of Columbia.

(c) Location.—The SEED Information Center System shall be based jointly in Washington, District of Columbia; Warsaw, Poland; and Budapest, Hungary; and should it become appropriate, the capitals of other East European countries.

SEC. 603. ENCOURAGING VOLUNTARY ASSISTANCE FOR POLAND AND HUNGARY.

22 USC 5463.

Romania.

(a) Encouraging Private Contributions.—It is the sense of the Congress that the President should take all possible steps to encourage across the Nation a massive outpouring of private contributions of money and nonperishable foods, to be collected by civic, religious, school, and youth organizations, for assistance to Poland and to refugees from Romania who are in Hungary.

(b) Transportation to Poland of Private Contributions.—In further of subsection (a), the President—

Armed Forces.

(1) using all available authorities, including section 402 of title 10, United States Code (relating to transportation of humanitarian relief supplies), should use resources of the Department of Defense (including the National Guard) to transport nonfinancial private contributions to Poland,

(2) should request additional authorities as needed for the use of those resources for that purpose; and

(3) should encourage maximum participation by such recognized private and voluntary organizations as the Polish-American Congress in the transportation of nonfinancial private contributions to Poland.

22 USC 5464.

SEC. 604. ECONOMIC AND COMMERCIAL OFFICERS AT UNITED STATES EMBASSIES AND MISSIONS IN POLAND AND HUNGARY.

It is the sense of the Congress that, to the extent practicable—

(1) the United States Embassy in Budapest, Hungary, should be assigned one additional economic and commercial officer;

(2) the United States Embassy in Warsaw, Poland, should be assigned one additional economic officer and one additional commercial officer;

(3) the United States Trade Center in Warsaw, Poland, should be assigned one additional economic and commercial officer; and

(4) the United States mission in Krakow, Poland, should be assigned one additional economic and commercial officer.

TITLE VII—REPORTS TO CONGRESS

President of U.S.
22 USC 5471.

SEC. 701. REPORT ON INITIAL STEPS TAKEN BY UNITED STATES AND ON POLAND'S REQUIREMENT FOR AGRICULTURAL ASSISTANCE.

(a) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress—

(1) describing the steps taken by the United States Government pursuant to title I, in particular sections 102 (a) and (b);

(2) assessing Poland's requirements for additional agricultural assistance during fiscal year 1990 and its requirements for agricultural assistance during fiscal years 1991 and 1992; and

(3) specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

(b) UPDATING ASSESSMENTS.—As additional information becomes available, the President shall provide to the Congress revised assessments of Poland's requirements for agricultural assistance during fiscal years 1991 and 1992, specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

President of U.S.
22 USC 5472.

SEC. 702. REPORT ON CONFIDENCE BUILDING MEASURES BY POLAND AND HUNGARY.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress identifying—

(1) the confidence building measures Poland and Hungary could undertake to facilitate the negotiation of agreements, including bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in that country; and

(2) the confidence building measures Poland and Hungary could undertake with respect to the treatment accorded those countries under the Export Administration Act of 1979.

SEC. 703. REPORT ON ENVIRONMENTAL PROBLEMS IN POLAND AND HUNGARY.

22 USC 5473.

The first report submitted pursuant to section 704 shall include the following:

(1) Assessment of problems.—An overall assessment of the environmental problems facing Poland and Hungary, including—

(A) a relative ranking of the severity of the problems and their effects on both human health and the general environment;

(B) a listing of the geographical areas of each country that have suffered the heaviest environmental damage, and a description of the source and scope of the damage; and

(C) an assessment of the environmental performance of leading industrial polluters in those countries and the expected effect on pollution levels of industrial modernization.

(2) Priorities and costs for action.—An analysis of the priorities that Poland and Hungary should each assign in addressing its environmental problems, and an estimate of the capital and human resources required to undertake a comprehensive program of environmental protection in that country.

(3) Role of United States and multilateral assistance.—A statement of strategy for United States assistance for the next 5 years to address environmental problems in Poland and Hungary, including—

(A) recommendations for appropriate levels and forms of bilateral financial and technical assistance;

(B) recommendations concerning United States participation in cooperative multilateral undertakings;

(C) an assessment of the feasibility of debt-for-nature swaps as a technique of environmental protection in each country; and

(D) recommendations for minimizing further environmental damage to Krakow, and for the protection and restoration of historic sites in that city.

SEC. 704. ANNUAL SEED PROGRAM REPORT.

22 USC 5474.

(a) Findings.—The Congress finds that—

(1) in order to provide the President with maximum flexibility and opportunity for innovation in implementation of the SEED Program, this Act sets forth general goals and modalities for the support of democracy and economic pluralism in Eastern Europe;

(2) prompt United States action in devising specific measures to achieve the goals outlined in this Act will be crucial in generating the public awareness, and the international commitment, necessary for United States leadership of a successful multilateral program of assistance in Eastern Europe; and

(3) clear-cut delineation of such United States actions at an early date is integral to United States leadership of this effort.

(b) Initial Seed Program Report.—Accordingly, the first report pursuant to subsection (c) shall be a comprehensive report that includes a full description of all SEED Actions taken pursuant to each provision of this Act since the enactment of this Act.

President of U.S.

(c) ANNUAL SEED PROGRAM REPORT.—Not later than January 31 of each year (beginning in 1991), the President shall submit to the Congress a "Report on the United States Program of Support for East European Democracy (the SEED Program)". Each such report shall describe the assistance provided to each East European country under this Act during the preceding fiscal year. In addition, each such report shall contain an assessment of the progress made by each such recipient country in—

(1) implementing economic policies designed to promote sustained economic growth, develop economic freedom, and increase opportunities for the people of that country; and

(2) adopting and implementing constitutional, legal, and administrative measures that—

(A) affect the powers of the executive and legislative authorities and the independence of the judiciary,

(B) affect the formation and operation of independent political parties, groups, associations, or organizations, or

(C) affect fundamental human rights and civil liberties.

President of U.S.
22 USC 5475.

SEC. 705. REPORTS ON CERTAIN ACTIVITIES.

At the same time each report is submitted pursuant to section 704(c), the President shall submit to the appropriate committees of the Congress a report on the extent of espionage activities against the United States and other member countries of the North Atlantic Treaty Organization by operatives of the government of any East European country that is receiving assistance under this Act. Such reports may be submitted in classified form.

22 USC 5476.

SEC. 706. NOTIFICATIONS TO CONGRESS REGARDING ASSISTANCE.

Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1; relating to reprogramming notifications) applies with respect to obligations of funds made available under that Act to carry out this Act, notwithstanding any other provision of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

22 USC 5491.

SEC. 801. SUSPENSION OF SEED ASSISTANCE.

The President should suspend all assistance to an East European country pursuant to this Act if the President determines, and reports to the Congress, that—

(1) that country is engaged in international activities directly and fundamentally contrary to United States national security interests;

(2) the president or any other government official of that country initiates martial law or a state of emergency for reasons other than to respond to a natural disaster or a foreign invasion; or

(3) any member who was elected to that country's parliament has been removed from that office or arrested through extraconstitutional processes.

22 USC 5492.

SEC. 802. DECLARATION OF THE REPUBLIC OF HUNGARY.

(a) FINDINGS.—The Congress finds that—

(1) on October 23, 1989, in a public ceremony in Budapest, the acting President of Hungary declared the Hungarian state to be an independent, democratic Republic of Hungary;

(2) this public ceremony was held on the 33d anniversary of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops;

(3) this public ceremony was held in the same Kossuth Square where the first mass rally of the 1956 revolution was held;

(4) as a further symbol of Hungary's faithfulness to the legacy of the revolution of 1956, the declaration by the acting President was made from the same balcony from which Imre Nagy, the martyred Prime Minister of the revolutionary government of 1956, addressed the citizens of Budapest 33 years before;

(5) the heroic revolt and freedom fight of the Hungarian people in 1956 was an inspirational event, reminding a generation of Americans of the sacrifices people are willing to undertake as the price of liberty; and

(6) the present efforts of the Hungarian people to validate the legacy of the revolution of 1956 by establishing a free, independent, and prosperous Hungary have gained the sympathy and admiration of the American people.

(b) CONGRESSIONAL DECLARATIONS.—The Congress—

(1) congratulates the people of Hungary on the declaration of a Republic of Hungary committed to democratic principles; and

(2) expresses its desire to enhance the friendly relations between the people of Hungary and the people of the United States and between their respective governments.

SEC. 803. ADMINISTRATIVE EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

22 USC 5493.

For the purpose of paying administrative expenses incurred in connection with carrying out its functions under this Act, the Agency for International Development may use up to $500,000 each fiscal year of the funds made available to the Agency under this Act.

SEC. 804. RELATION OF PROVISIONS OF THIS ACT TO CERTAIN PROVISIONS OF APPROPRIATIONS ACTS.

22 USC 5494.

Any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that provides that assistance for Poland or Hungary under that Act may be provided "notwithstanding any other provision of law" shall not supersede any otherwise applicable provision of this Act. This section shall not, however, be construed to apply with respect to section 599C(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (or a corresponding provision of a subsequent such appropriations Act).

SEC. 805. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

22 USC 5495.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator of the Agency for International Development may use, for the purposes described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine, subject to subsection (f).

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to economic assistance), and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include

members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) REQUIREMENT FOR APPROPRIATIONS ACTION.—The authority of this section may be exercised only to such extent or in such amount as may be provided in advance in an appropriation Act.

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.R. 3402:

HOUSE REPORTS: No. 101-278, Pt. 1 (Comm. on Ways and Means), Pt. 2 (Comm. on Foreign Affairs), and Pt. 3 (Comm. on Public Works and Transportation); and No. 101-377 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Oct. 19, considered and passed House.

Nov. 14, considered and passed Senate, amended.

Nov. 16, House concurred in Senate amendments with an amendment.

Nov. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Nov. 28, Presidential statement.

Public Law 101-180
101st Congress

An Act

To extend the United States Commission on Civil Rights.

Nov. 28, 1989
[H.R. 3532]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Civil Rights Commission Reauthorization Act of 1989. 42 USC 1975 note.

This Act may be cited as the "Civil Rights Commission Reauthorization Act of 1989".

SEC. 2. REAUTHORIZATION.

The United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975 et seq.) is amended—

(1) in section 7 (42 U.S.C. 1975e), by striking "1989" and inserting "1991"; and

(2) in section 8 (42 U.S.C. 1975f), by striking "six years after its date of enactment" and inserting "on September 30, 1991".

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.R. 3532 (S. 1891):

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 14, 15, considered and passed House.
Nov. 16, considered and passed Senate, amended, in lieu of S. 1891.
Nov. 17, House concurred in Senate amendment.

Public Law 101-181
101st Congress

Joint Resolution

Nov. 28, 1989
[H.J. Res. 357]

Providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Samuel Curtis Johnson of Wisconsin on December 4, 1989, is filled by the reappointment of the incumbent for a term of six years, effective December 5, 1989.

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.J. Res. 357 (S.J. Res. 199):

SENATE REPORTS: No. 101-146 accompanying S.J. Res. 199 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Oct. 2, S.J. Res. 199 considered and passed Senate.
Nov. 13, H.J. Res. 357 considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 101-182
101st Congress

Joint Resolution

Providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.

Nov. 28, 1989
[H.J. Res. 358]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Jeannine Smith Clark of the District of Columbia on August 25, 1989, is filled by the reappointment of the incumbent for a term of six years, effective August 26, 1989.

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.J. Res. 358 (S.J. Res. 200):

SENATE REPORTS: No. 101-147 accompanying S.J. Res. 200 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 2, S.J. Res. 200 considered and passed Senate.
Nov. 13, H.J. Res. 358 considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 101-183
101st Congress

Joint Resolution

Nov. 28, 1989
[H.J. Res. 393]

To grant the consent of Congress to the boundary change compact between South Dakota and Nebraska.

Real property.
Rivers and harbors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the consent of Congress is hereby given to—

(1) the South Dakota-Nebraska Boundary Compact, approved by the State of South Dakota on March 14, 1989, and by the State of Nebraska on May 25, 1989; and

(2) the establishment of the boundary between the States of South Dakota and Nebraska agreed to in the compact referred to in paragraph (1).

(b) The South Dakota-Nebraska Boundary Compact is substantially as follows:

SOUTH DAKOTA-NEBRASKA BOUNDARY COMPACT

WHEREAS, the Missouri River has constituted the territorial boundary between the state of Nebraska and the state of South Dakota common to Dakota County, Nebraska, and Union County, South Dakota; and,

WHEREAS, by the forces of nature and construction, operation and maintenance efforts by agencies of the federal government, the flow of the Missouri River has changed its course, and the main channel of the river has changed its position in many areas along the boundary between said counties of the states; and,

WHEREAS, disputes between the state of Nebraska and the state of South Dakota, their political and governmental subdivisions, citizens and other persons have arisen with respect to the location of the true boundary between said counties of the states; and,

WHEREAS, there has for many years existed as between said counties of the states, a question as to the true and correct boundary line between them; and,

WHEREAS, in some areas land is taxed or may be taxed by governmental bodies in both states and in other areas land may be untaxed by governmental bodies in either state; and,

WHEREAS, at times courts have found some land as located in Nebraska, at other times the courts have found the same land as located in South Dakota; and,

WHEREAS, the Missouri River is now relatively stabilized by work done under the direction and supervision of the United States Army Corps of Engineers, and a boundary based upon the present main channel of the Missouri River would be, if the works are properly maintained, as near as can be anticipated at this time, fixed and permanent; and,

WHEREAS, it is to the best interest of the states of Nebraska and South Dakota, their political and governmental subdivisions and their citizens, to determine a new and compromise boundary between said counties of the states, to avoid litigation and multiple exercises of sovereignty and jurisdiction, to encourage the optimum beneficial use of the river, its facilities and its waters, and to remove all causes of controversy between said states with respect to the boundary between said counties of the states; and,

WHEREAS, the states by entering into an agreement for a new boundary are not recognizing and do not desire to recognize the former compact boundary established between them by their legislative actions and the consent of the Congress in 1905; and,

WHEREAS, because of the numerous natural cutoffs over the years and the construction and stabilization work by the Corps of Engineers, which included the dredging of channels and construction of dikes and revetments, thus moving the river around and across islands, bar areas, and lands, as between the states, neither of them recognizes any presumption that the river has moved gradually into the present designed channel location; and,

WHEREAS, the states recognize that the Corps of Engineers' activities have caused tracts of land formerly on one side of the river to be isolated on the other side, and the states recognize there may have been many natural cutoffs of the Missouri River prior to the stabilization work by the Corps of Engineers; and,

WHEREAS, as to lands along or in proximity to the Missouri River, the states desire not to disturb private titles or claims which may have been established by individuals by recognizing or locating any specific areas as belonging to or being within one state or the other; instead the states desire to leave any questions of private titles to the parties involved; and,

WHEREAS, the terms of this compact shall be binding upon the states, their political and governmental subdivisions and officers and agents thereof; and,

WHEREAS, the parties recognize that the present main channel of the Missouri River as it exists within the designed channel stabilized by the Corps of Engineers is or may be different from a line parallel and equidistant from the present banks of the Missouri River; and,

WHEREAS, the states of Nebraska and South Dakota have agreed upon the terms and provisions of a compact to establish the boundary between said counties of the state.

To these ends, duly appointed commissioners for the state of Nebraska and the state of South Dakota jointly convened on February 24, 1989, in Lincoln, Nebraska, and have resolved to conclude a compact, following enactment by their respective legislative bodies and with consent of the Congress of the United States, and have agreed upon the following Articles:

ARTICLE I. Findings and Purposes

(a) The state of Nebraska and the state of South Dakota find that there have been actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between Dakota County, Nebraska, and Union County, South Dakota; that the Missouri River constituting the boundary between said counties of the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a designed channel of the river for navigation and other purposes, which is described and shown in the survey referred to in Article II.

(b) It is the principal purpose of the states in executing this compact to establish an identifiable compromise boundary between said counties of the states for the entire distance thereof as of the effective date of this compact without interfering with or otherwise affecting private rights or titles to property, and the states declare that further compelling purposes of this compact are: (1) to create a friendly and harmonious interstate relationship; (2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority; (3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigations; (4) to promote economic and political stability; (5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities; (6) to establish a forum for settlement of future disputes; (7) to place the boundary in a new or reestablished location which can be identified or located; and (8) to express the intent and policy of the states that the common boundary between said counties be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

ARTICLE II. Establishment of Boundary

(a) The permanent compromise boundary line between said counties of the states shall be fixed at the centerline of the designed channel of the Missouri River (the westerly channel adjacent to Section 5, Township 29 North, Range 7 East of the 6th P.M. shall be considered the main channel). The state of Nebraska and the state of South Dakota by the ratification of this document agree to accurately describe the centerline of the design channel by reference to permanent monuments which shall be placed at locations which are easily accessible and safe from destruction. The Nebraska State Surveyors Office and a representative from South Dakota shall jointly supervise and approve placement of the monuments and the location of the compact boundary. Upon completion, the maps and record of the survey shall be incorporated herein and made a part hereof by reference. Said maps shall be placed on file with the secretaries of state of South Dakota and Nebraska. The approval of contracts and all necessary costs for the accurate survey and placement of proper monuments shall be shared equally between the states of South Dakota and Nebraska.

(b) This centerline of the channel of the Missouri River as described on said survey shall hereinafter be referred to as the "compromise boundary."

ARTICLE III. Relinquishment of Sovereignty

On the effective date of this compact, the state of South Dakota hereby relinquishes to the state of Nebraska all sovereignty over lands lying on the Nebraska side of said compromise boundary and the state of Nebraska hereby relinquishes to the state of South Dakota all sovereignty over lands lying on the South Dakota side of the compromise boundary.

ARTICLE IV. Pending Litigation

Nothing in this compact shall be deemed or construed to affect any litigation pending in the courts of either of the states concerning title to any of the lands, sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska or by the stat of Nebraska to the state of South Dakota and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until a final determination thereof.

ARTICLE V. Public Records

(a) On and following the effective date of this compact, the public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of South Dakota, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of South Dakota.

(b) On and following the effective date of this compact, the public record of real estate titles, mortgages and other liens in the state of South Dakota to any lands, the sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of South Dakota, by the courts of the state of Nebraska.

(c) As to lands, the sovereignty over which is relinquished, on the effective date of this compact the recording officials of each state including the counties thereof shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

ARTICLE VI. Taxes

(a) Taxes for the calendar year of the effective date of this compact which are lawfully imposed by either Nebraska or South Dakota may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, subsequent jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the said counties or other taxing authorities affected shall act as agents in carrying out the provisions of this Article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing as aforesaid, shall be claimed or asserted within five years after this compact becomes effective and if not so claimed or asserted shall be forever barred.

(b) The lands, sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of South Dakota from and after the calendar year of the effective date of this compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of South Dakota, shall not thereafter be subject to the imposition of taxes in the state of Nebraska from and after the calendar year of the effective date of this compact.

ARTICLE VII. Private Rights

(a) This compact shall not deprive any riparian owner of such riparian owner's rights based upon riparian law and the establishment of the compromise boundary between said counties of the state shall not in any way be deemed to change or affect the boundary line or riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner's rights to accretions across such compromise boundary.

(b) No private individual or entity claiming title to lands along the Missouri River, over which sovereignty is relinquished by this compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

ARTICLE VIII. Readjustment of Boundary by Negotiation

If at any time after the effective date of this compact, the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

ARTICLE IX. Effective Date

(a) This compact shall become effective when ratified by the legislature of the state of Nebraska and the legislature of the state of South Dakota and approved by the Congress of the United States.

(b) As of the effective date of this compact, the state of Nebraska and the state of South Dakota shall relinquish sovereignty over the lands described herein and shall assume and accept sovereignty over such lands ceded to them as herein provided.

(c) In the event this compact is not approved by the legislature of each state on or before July, 1990, and approved by the Congress of the United States within three years from the date hereof, this compact shall be inoperative and for all purposes shall be void.

ARTICLE X. Enforcement

Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under this compact or the enforcement of any of its provisions.

Approved November 28, 1989.

LEGISLATIVE HISTORY—H.J. Res. 393 (S.J. Res. 192):

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 17, considered and passed House and Senate.

Public Law 101-184
101st Congress

An Act

Nov. 28, 1989
[S. 818]

To commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes.

National parks, monuments, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Senator Clinton P. Anderson of New Mexico was the leader of the conservation movement in the 88th Congress, which earned the name the "Conservation Congress" for its passage of several landmark conservation measures. Senator Anderson was the guiding sponsor of the Wilderness Act and shepherded it through the 88th Congress, helping secure its passage and enactment on September 3, 1964.

(2) Senator Anderson was influenced by New Mexico conservationist Aldo Leopold, who as a United States Forest Service officer helped establish the Nation's first administratively-designated wilderness in 1924, the Gila Wilderness in the Gila National Forest in New Mexico.

(3) Senator Anderson wrote and spoke eloquently about wilderness and his words continue to inspire his colleagues and the public about conservation. In 1963 he wrote:

"There is a spiritual value to conservation, and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say—this we will leave as we found it.

"Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich Nation, tending our resources as we should—not a people in despair searching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water.".

(4) On the 25th anniversary of the Wilderness Act, Senator Anderson's living legacy is the 474 units in the National Wilderness Preservation System, totaling nearly 91 million acres.

New Mexico.

SEC. 2. DESIGNATION OF OVERLOOK.

In recognition of the significant role Senator Anderson played in the enactment of the Wilderness Act, the Secretary of Agriculture is authorized and directed to rename the existing Copperas Vista, located on the Gila National Forest in New Mexico, as the "Senator Clinton P. Anderson Wilderness Overlook" and to erect appropriate signs, interpretive facilities, monuments, or plaques commemorating Senator Anderson's contribution to the National Wilderness Preservation System.

Approved November 28, 1989.

LEGISLATIVE HISTORY—S. 818:

SENATE REPORTS: No. 101-88 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  Aug. 2, considered and passed Senate.
  Nov. 17, considered and passed House.

Public Law 101-185
101st Congress

An Act

Nov. 28, 1989
[S. 978]

To establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes.

National Museum of the American Indian Act.
Public buildings and grounds.
Historic preservation.
District of Columbia.
New York.
20 USC 80q note.
20 USC 80q.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Museum of the American Indian Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is no national museum devoted exclusively to the history and art of cultures indigenous to the Americas;

(2) although the Smithsonian Institution sponsors extensive Native American programs, none of its 19 museums, galleries, and major research facilities is devoted exclusively to Native American history and art;

(3) the Heye Museum in New York, New York, one of the largest Native American collections in the world, has more than 1,000,000 art objects and artifacts and a library of 40,000 volumes relating to the archaeology, ethnology, and history of Native American peoples;

(4) the Heye Museum is housed in facilities with a total area of 90,000 square feet, but requires a minimum of 400,000 square feet for exhibition, storage, and scholarly research;

(5) the bringing together of the Heye Museum collection and the Native American collection of the Smithsonian Institution would—

(A) create a national institution with unrivaled capability for exhibition and research;

(B) give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans;

(C) provide facilities for scholarly meetings and the performing arts;

(D) make available curatorial and other learning opportunities for Indians; and

(E) make possible traveling exhibitions to communities throughout the Nation;

(6) by order of the Surgeon General of the Army, approximately 4,000 Indian human remains from battlefields and burial sites were sent to the Army Medical Museum and were later transferred to the Smithsonian Institution;

(7) through archaeological excavations, individual donations, and museum donations, the Smithsonian Institution has acquired approximately 14,000 additional Indian human remains;

(8) the human remains referred to in paragraphs (6) and (7) have long been a matter of concern for many Indian tribes,

including Alaska Native Villages, and Native Hawaiian communities which are determined to provide an appropriate resting place for their ancestors;

(9) identification of the origins of such human remains is essential to addressing that concern; and

(10) an extraordinary site on the National Mall in the District of Columbia (U.S. Government Reservation No. 6) is reserved for the use of the Smithsonian Institution and is available for construction of the National Museum of the American Indian.

SEC. 3. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

20 USC 80q-1.

(a) ESTABLISHMENT.—There is established, within the Smithsonian Institution, a living memorial to Native Americans and their traditions which shall be known as the "National Museum of the American Indian".

(b) PURPOSES.—The purposes of the National Museum are to—

(1) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(2) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest;

(3) provide for Native American research and study programs; and

(4) provide for the means of carrying out paragraphs (1), (2), and (3) in the District of Columbia, the State of New York, and other appropriate locations.

SEC. 4. AUTHORITY OF THE BOARD OF REGENTS TO ENTER INTO AN AGREEMENT PROVIDING FOR TRANSFER OF HEYE FOUNDATION ASSETS TO THE SMITHSONIAN INSTITUTION.

20 USC 80q-2.

The Board of Regents is authorized to enter into an agreement with the Heye Foundation, to provide for the transfer to the Smithsonian Institution of title to the Heye Foundation assets. The agreement shall—

(1) require that the use of the assets be consistent with section 3(b); and

(2) be governed by, and construed in accordance with, the law of the State of New York.

Courts, U.S.

The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over any cause of action arising under the agreement.

SEC. 5. BOARD OF TRUSTEES OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN.

20 USC 80q-3.

(a) IN GENERAL.—The National Museum shall be under a Board of Trustees with the duties, powers, and authority specified in this section.

(b) GENERAL DUTIES AND POWERS.—The Board of Trustees shall—

(1) recommend annual operating budgets for the National Museum to the Board of Regents;

(2) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the National Museum;

(3) adopt bylaws for the Board of Trustees;

(4) designate a chairman and other officers from among the members of the Board of trustees; and

Reports.

(5) report annually to the Board of Regents on the acquisition, disposition, and display of Native American objects and artifacts and on other appropriate matters.

Gifts and property.

(c) Sole Authority.—Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

(1) lend, exchange, sell, or otherwise dispose of any part of the collections of the National Museum, with the proceeds of such transactions to be used for additions to the collections of the National Museum or additions to the endowment of the National Museum, as the case may be;

(2) purchase, accept, borrow, or otherwise acquire artifacts and other objects for addition to the collections of the Natural Museum; and

(3) specify criteria for use of the collections of the National Museum for appropriate purposes, including research, evaluation, education, and method of display.

(d) Authority.—Subject to the general policies of the Board of Regents, the Board of Trustees shall have authority to—

(1) provide for restoration, preservation, and maintenance of the collections of the National Museum;

(2) solicit funds for the National Museum and determine the purposes to which such funds shall be applied; and

(3) approve expenditures from the endowment of the National Museum for any purpose of the Museum.

(e) Initial Appointments to the Board of Trustees.—

(1) Membership.—The initial membership of the Board of Trustees shall consist of—

(A) the Secretary of the Smithsonian Institution;

(B) an Assistant Secretary of the Smithsonian Institution appointed by the Board of Regents;

(C) 8 individuals appointed by the Board of Regents; and

(D) 15 individuals, each of whom shall be a member of the board of trustees of the Heye Museum, appointed by the Board of Regents from a list of nominees recommended by the board of trustees of the Heye Museum.

(2) Special rule.—At least 7 of the 23 members appointed under subparagraphs (C) and (D) of paragraph (1) shall be Indians.

(3) Terms.—The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. The terms of the trustees appointed under subparagraph (C) or (D) of paragraph (1) shall be 3 years, beginning on the date of the transfer of the Heye Foundation assets to the Smithsonian Institution.

(4) Vacancies.—Any vacancy shall be filled only for the remainder of the term involved. Any vacancy appointment under paragraph (1)(D) shall not be subject to the source and recommendation requirements of that paragraph, but shall be subject to paragraph (2).

(f) Subsequent Appointments to the Board of Trustees.—

(1) Membership.—Upon the expiration of the terms under subsection (e), the Board of Trustees shall consist of—

(A) the Secretary of the Smithsonian Institution;

(B) an Assistant Secretary of the Smithsonian Institution appointed by the Board of Regents; and

(C) 23 individuals appointed by the Board of Regents from a list of nominees recommended by the Board of Trustees.

(2) Special rule.—A least 12 of the 23 members appointed under paragraph (1)(C) shall be Indians.

(3) Terms.—The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. Except as otherwise provided in the next sentence, the terms of members appointed under paragraph (1)(C) shall be 3 years. Of the members first appointed under paragraph (1)(C)—

(A) 7 members, 4 of whom shall be Indians, shall be appointed for a term of one year, as designated at the time of appointment; and

(B) 8 members, 4 of whom shall be Indians, shall be appointed for a term of 2 years, as designated at the time of appointment.

(4) Vacancies.—Any vacancy shall be filled only for the remainder of the term involved.

(g) Quorum.—A majority of the members of the Board of Trustees then in office shall constitute a quorum.

(h) Expenses.—Members of the Board shall be entitled (to the same extent as provided in section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses for each day (including travel time) during which they are engaged in the performance of their duties.

SEC. 6. DIRECTOR AND STAFF OF THE NATIONAL MUSEUM.

20 USC 80q-4.

(a) In General.—The Secretary of the Smithsonian Institution shall appoint—

(1) a Director who, subject to the policies of the Board of Trustees, shall manage the National Museum; and

(2) other employees of the National Museum, to serve under the Director.

(b) Offer of Employment to Heye Foundation Employees.—Each employee of the Heye Museum on the day before the date of the transfer of the Heye Foundation assets to the Smithsonian Institution shall be offered employment with the Smithsonian Institution—

(1) under the usual terms of such employment; and

(2) at a rate of pay not less than the rate applicable to the employee on the day before the date of the transfer.

(c) Applicability of Certain Civil Service Laws.—The Secretary may—

(1) appoint the Director, 2 employees under subsection (a)(2), and the employees under subsection (b) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service;

(2) fix the pay of the Director and such 2 employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates; and

(3) fix the pay of the employees under subsection (b) in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, subject to subsection (b)(2).

SEC. 7. MUSEUM FACILITIES.

20 USC 80q-5.

(a) National Museum Mall Facility.—The Board of Regents shall plan, design, and construct a facility on the area bounded by

Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive, Southwest, in the District of Columbia to house the portion of the National Museum to be located in the District of Columbia. The Board of Regents shall pay not more than ⅔ of the total cost of planning, designing, and constructing the facility from funds appropriated to the Board of Regents. The remainder of the costs shall be paid from non-Federal sources.

(b) NATIONAL MUSEUM HEYE CENTER FACILITY.—

(1) LEASE OF SPACE FROM GSA.—

(A) TERMS.—Notwithstanding section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)), the Administrator of General Services may lease, at a nominal charge, to the Smithsonian Institution space in the Old United States Custom House at One Bowling Green, New York, New York, to house the portion of the National Museum to be located in the city of New York. The lease shall be subject to such terms as may be mutually agreed upon by the Administrator and the Secretary of the Smithsonian Institution. The term of the lease shall not be less than 99 years.

(B) REIMBURSEMENT OF FEDERAL BUILDINGS FUND.—The Administrator of General Services may reimburse the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) for the difference between the amount charged to the Smithsonian Institution for leasing space under this paragraph and the commercial charge under section 210(j) of such Act which, but for this paragraph, would apply to the leasing of such space. There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subparagraph for fiscal years beginning after September 30, 1990.

Appropriation authorization.

(2) CONSTRUCTION.—

(A) MUSEUM FACILITY.—The Board of Regents shall plan, design, and construct a significant facility for the National Museum in the space leased under paragraph (1).

(B) AUDITORIUM AND LOADING DOCK FACILITY.—The Administrator of General Services shall plan, design, and construct an auditorium and loading dock in the Old United States Custom House at One Bowling Green, New York, New York, for the shared use of all the occupants of the building, including the National Museum.

(C) SQUARE FOOTAGE.—The facilities to be constructed under this paragraph shall have, in the aggregate, a total square footage of approximately 82,500 square feet.

(3) REPAIRS AND ALTERATIONS.—After construction of the facility under paragraph (2)(A), repairs and alterations of the facility shall be the responsibility of the Board of Regents.

(4) REIMBURSEMENT OF GSA.—The Board of Regents shall reimburse the Administrator for the Smithsonian Institution's pro rata share of the cost of utilities, maintenance, cleaning, and other services incurred with respect to the space leased under paragraph (1) and the full cost of any repairs or alterations made by the General Services Administration at the request of the Smithsonian Institution with respect to the space.

(5) COST SHARING.—

(A) GENERAL RULES.—The Board of Regents shall pay ⅓ of the costs of planning, designing, and constructing the facility under paragraph (2)(A) from funds appropriated to the Board of Regents. The remainder of the costs shall be paid from non-Federal sources.

(B) RESPONSIBILITIES OF NEW YORK CITY AND STATE.—Of the costs which are required to be paid from non-Federal sources under this paragraph, the city of New York, New York, and the State of New York have each agreed to pay $8,000,000 or an amount equal to ⅓ of the costs of planning, designing, and constructing the facility under paragraph (2)(A), whichever is less. Such payments shall be made to the Board of Regents in accordance with a payment schedule to be agreed upon by the city and State and the Board of Regents.

(C) LIMITATION ON OBLIGATIONS OF FEDERAL FUNDS.—Federal funds may not be obligated for actual construction of a facility under paragraph (2)(A) in a fiscal year until non-Federal sources have paid to the Board of Regents the non-Federal share of such costs which the Board of Regents estimates will be incurred in such year.

(6) DESIGNATION.—The facility to be constructed under paragraph (2)(A) shall be known and designated as the "George Gustav Heye Center of the National Museum of the American Indian".

(c) MUSEUM SUPPORT CENTER FACILITY.—The Board of Regents shall plan, design, and construct a facility for the conservation and storage of the collections of the National Museum at the Museum Support Center of the Smithsonian Institution.

(d) MINIMUM SQUARE FOOTAGE.—The facilities to be constructed under this section shall have, in the aggregate, a total square footage of at least 400,000 square feet.

(e) AUTHORITY TO CONTRACT WITH GSA.—The Board of Regents and the Administrator of General Services may enter into such agreements as may be necessary for planning, designing, and constructing facilities under this section (other than subsection (b)(2)(B)). Under such agreements, the Board of Regents shall transfer to the Administrator, from funds available for planning, designing, and constructing such facilities, such amounts as may be necessary for expenses of the General Services Administration with respect to planning, designing, and constructing such facilities.

(f) LIMITATION ON OBLIGATION OF FEDERAL FUNDS.—Notwithstanding any other provision of this Act, funds appropriated for carrying out this section may not be obligated for actual construction of any facility under this section until the 60th day after the date on which the Board of Regents transmits to Congress a written analysis of the total estimated cost of the construction and a cost-sharing plan projecting the amount for Federal appropriations and for non-Federal contributions for the construction on a fiscal year basis.

SEC. 8. CUSTOM HOUSE OFFICE SPACE AND AUDITORIUM.

20 USC 80q-6.

(a) REPAIRS AND ALTERATIONS.—The Administrator of General Services shall make such repairs and alterations as may be necessary in the portion of the Old United States Custom House at One Bowling Green, New York, New York, which is not leased to the Board of Regents under section 7(b) and which, as of the date of the enactment of this Act, has not been altered.

(b) Authorization of Appropriation.—There is authorized to be appropriated to the Administrator of General Services $25,000,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) to carry out this section and section 7(b)(2)(B).

20 USC 80q-7.

SEC. 9. AUDUBON TERRACE.

(a) In General.—The Board of Regents shall—

(1) assure that, on the date on which a qualified successor to the Heye Foundation at Audubon Terrace first takes possession of Audubon Terrace, an area of at least 2,000 square feet at that facility is accessible to the public and physically suitable for exhibition of museum objects and for related exhibition activities;

(2) upon written agreement between the Board and any qualified successor, lend objects from the collections of the Smithsonian Institution to the successor for exhibition at Audubon Terrace; and

(3) upon written agreement between the Board and any qualified successor, provide training, scholarship, technical, and other assistance (other than operating funds) with respect to the area referred to in paragraph (1) for the purposes described in that paragraph.

(b) Determination of Charges.—Any charge by the Board of Regents for activities pursuant to agreements under paragraph (2) or (3) of subsection (a) shall be determined according to the ability of the successor to pay.

(c) Definition.—As used in this section, the terms "qualified successor to the Heye Foundation at Audubon Terrace", "qualified successor", and, "successor" mean an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, that, as determined by the Board of Regents—

(1) is a successor occupant to the Heye Foundation at Audubon Terrace, 3753 Broadway, New York, New York;

(2) is qualified to operate the area referred to in paragraph (1) for the purposes described in that paragraph; and

(3) is committed to making a good faith effort to respond to community cultural interests in such operation.

20 USC 80q-8.

SEC. 10. BOARD OF REGENTS FUNCTIONS WITH RESPECT TO CERTAIN AGREEMENTS AND PROGRAMS.

(a) Priority To Be Given to Indian Organizations With Respect to Certain Agreements.—In entering into agreements with museums and other educational and cultural organizations to—

(1) lend Native American artifacts and objects from any collection of the Smithsonian Institution;

(2) sponsor or coordinate traveling exhibitions of artifacts and objects; or

(3) provide training or technical assistance;

the Board of Regents shall give priority to agreements with Indian organizations, including Indian tribes, museums, cultural centers, educational institutions, libraries, and archives. Such agreements may provide that loans or services to such organizations may be furnished by the Smithsonian Institution at minimal or no cost.

(b) Indian Programs.—The Board of Regents may establish—

(1) programs to serve Indian tribes and communities; and

(2) in cooperation with educational institutions, including tribally controlled community colleges (as defined in section 2 of the Tribally Controlled Community College Assistance Act of 1978), programs to enhance the opportunities for Indians in the areas of museum studies, management, and research.

Schools and colleges.

(c) INDIAN MUSEUM MANAGEMENT FELLOWSHIPS.—The Board of Regents shall establish an Indian Museum Management Fellowship program to provide stipend support to Indians for training in museum development and management.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for each fiscal year, beginning with fiscal year 1991, to carry out subsections (b) and (c).

SEC. 11. INVENTORY, IDENTIFICATION, AND RETURN OF INDIAN HUMAN REMAINS AND INDIAN FUNERARY OBJECTS IN THE POSSESSION OF THE SMITHSONIAN INSTITUTION.

20 USC 80q-9.

(a) INVENTORY AND IDENTIFICATION.—The Secretary of the Smithsonian Institution, in consultation and cooperation with traditional Indian religious leaders and government officials of Indian tribes, shall—

(1) inventory the Indian human remains and Indian funerary objects in the possession or control of the Smithsonian Institution; and

(2) using the best available scientific and historical documentation, identify the origins of such remains and objects.

(b) NOTICE IN CASE OF IDENTIFICATION OF TRIBAL ORIGIN.—If the tribal origin of any Indian human remains or Indian funerary object is identified by a preponderance of the evidence, the Secretary shall so notify any affected Indian tribe at the earliest opportunity.

(c) RETURN OF INDIAN HUMAN REMAINS AND ASSOCIATED INDIAN FUNERARY OBJECTS.—If any Indian human remains are identified by a preponderance of the evidence as those of a particular individual or as those of an individual culturally affiliated with a particular Indian tribe, the Secretary, upon the request of the descendants of such individual or of the Indian tribe shall expeditiously return such remains (together with any associated funerary objects) to the descendants or tribe, as the case may be.

(d) RETURN OF INDIAN FUNERARY OBJECTS NOT ASSOCIATED WITH INDIAN HUMAN REMAINS.—If any Indian funerary object not associated with Indian human remains is identified by a preponderance of the evidence as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe, the Secretary, upon the request of the Indian tribe, shall expeditiously return such object to the tribe.

(e) INTERPRETATION.—Nothing in this section shall be interpreted as—

(1) limiting the authority of the Smithsonian Institution to return or repatriate Indian human remains or Indian funerary objects to Indian tribes or individuals; or

(2) delaying actions on pending repatriation requests, denying or otherwise affecting access to the courts, or limiting any procedural or substantive rights which may otherwise be secured to Indian tribes or individuals.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years to carry out this section.

20 USC 80q-10.

SEC. 12. SPECIAL COMMITTEE TO REVIEW THE INVENTORY, IDENTIFICATION, AND RETURN OF INDIAN HUMAN REMAINS AND INDIAN FUNERARY OBJECTS.

(a) Establishment; Duties.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Smithsonian Institution shall appoint a special committee to monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects under section 11. In carrying out its duties, the committee shall—

(1) with respect to the inventory and identification, ensure fair and objective consideration and assessment of all relevant evidence;

(2) upon the request of any affected party or otherwise, review any finding relating to the origin or the return of such remains or objects;

(3) facilitate the resolution of any dispute that may arise between Indian tribes with respect to the return of such remains or objects; and

(4) perform such other related functions as the Secretary may assign.

(b) Membership.—The committee shall consist of five members, of whom—

(1) three members shall be appointed from among nominations submitted by Indian tribes and organizations; and

(2) the Secretary shall designate one member as chairman.

The Secretary may not appoint to the committee any individual who is an officer or employee of the Government (including the Smithsonian Institution) or any individual who is otherwise affiliated with the Smithsonian Institution.

(c) Access.—The Secretary shall ensure that the members of the committee have full and free access to the Indian human remains and Indian funerary objects subject to section 11 and to any related evidence, including scientific and historical documents.

(d) Pay and Expenses of Members.—Members of the committee shall—

(1) be paid the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General schedule under section 5332 of title 5, United States Code; and

(2) be entitled (to the same extent as provided in section 5703 of such title, with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses;

for each day (including travel time) during which they are engaged in the performance of their duties.

Regulations.

(e) Rules and Administrative Support.—The Secretary shall prescribe regulations and provide administrative support for the committee.

(f) Report and Termination.—At the conclusion of the work of the committee, the Secretary shall be so certify by report to the Congress. The committee shall cease to exist 120 days after the submission of the report.

(g) Nonapplicability of the Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years to carry out this section.

SEC. 13. INVENTORY, IDENTIFICATION, AND RETURN OF NATIVE HAWAIIAN HUMAN REMANS AND NATIVE HAWAIIAN FUNERARY OBJECTS IN THE POSSESSION OF THE SMITHSONIAN INSTITUTION.

20 USC 80q-11.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution shall—

(1) in conjunction with the inventory and identification under section 11, inventory and identify the Native Hawaiian human remains and Native Hawaiian funerary objects in the possession of the Smithsonian Institution;

(2) enter into an agreement with appropriate Native Hawaiian organizations with expertise in Native Hawaiian affairs (which may include the Office of Hawaiian Affairs and the Malama I Na Kupuna O Hawai'i Nei) to provide for the return of such human remains nd funerary objects; and

Contracts.

(3) to the greatest extent practicable, apply, with respect to such human remains and funerary objects, the principles and procedures set forth in sections 11 and 12 with respect to the Indian human remains and Indian funerary objects in the possession of the Smithsonian Institution.

(b) DEFINITIONS.—As used in this section—

(1) the term "Malama I Na Kupuna O Hawai'i Nei" means the nonprofit, Native Hawaiian organization, incorporated under the laws of the State of Hawaii by that name on April 17, 1989, the purpose of which is to provide guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues; and

(2) the term "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

SEC. 14. GRANTS BY THE SECRETARY OF THE INTERIOR TO ASSIST INDIAN TRIBES WITH RESPECT TO AGREEMENTS FOR THE RETURN OF INDIAN HUMAN REMAINS AND INDIAN FUNERARY OBJECTS.

20 USC 80q-12.

(a) IN GENERAL.—The Secretary of the Interior may make grants to Indian tribes to assist such tribes in reaching and carrying out agreements with—

(1) the Board of Regents for the return of Indian human remains and Indian funerary objects under section 11; and

(2) other Federal and non-Federal entities for additional returns of Indian human remains and Indian funerary objects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years for grants under subsection (a).

SEC. 15. GRANTS BY THE SECRETARY OF THE INTERIOR TO ASSIST INDIAN ORGANIZATIONS WITH RESPECT TO RENOVATION AND REPAIR OF MUSEUM FACILITIES AND EXHIBIT FACILITIES.

20 USC 80q-13.

(a) GRANTS.—The Secretary of the Interior may make grants to Indian organizations, including Indian tribes, museums, cultural centers, educational institutions, libraries, and archives, for renovation and repair of museum facilities and exhibit facilities to enable such organizations to exhibit objects and artifacts on loan from the collections of the Smithsonian Institution or from other sources. Such grants may be made only from the Tribal Museum Endowment Fund.

(b) INDIAN ORGANIZATION CONTRIBUTION.—In making grants under subsection (a), the Secretary may require the organization receiving the grant to contribute, in cash or in kind, not more than 50 percent of the cost of the renovation or repair involved. Such contribution may be derived from any source other than the Tribal Museum Endowment Fund.

(c) TRIBAL MUSEUM ENDOWMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the "Tribal Museum Endowment Fund" (hereinafter in this subsection referred to as the "Fund") for the purpose of making grants under subsection (a). The Fund shall consist of (A) amounts deposited and credited under paragraph (2), (B) obligations obtained under paragraph (3), and (C) amounts appropriated pursuant to authorization under paragraph (5).

Gifts and property.

(2) DEPOSITS AND CREDITS.—The Secretary of the Interior is authorized to accept contributions to the Fund from non-Federal sources and shall deposit such contributions in the Fund. The Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from sale and redemption of, obligations held in the Fund.

(3) INVESTMENTS.—The Secretary of the Treasury may invest any portion of the Fund in interest-bearing obligations of the United States. Such obligations may be acquired on original issue or in the open market and may be held to maturity or sold in the open market. In making investments for the Fund, the Secretary of the Treasury shall consult the Secretary of the Interior with respect to maturities, purchases, and sales, taking into consideration the balance necessary to meet current grant requirements.

(4) EXPENDITURES AND CAPITAL PRESERVATION.—Subject to appropriation, amounts derived from interest shall be available for expenditure from the Fund. The capital of the Fund shall not be available for expenditure.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $2,000,000 for each fiscal year beginning with fiscal year 1992.

(d) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of the Interior, in consultation with the Secretary of the Treasury, shall submit to the Congress a report of activities under this section, including a statement of—

(1) the financial condition of the Fund as of the end of the preceding fiscal year, with an analysis of the Fund transactions during that fiscal year; and

(2) the projected financial condition of the Fund, with an analysis of expected Fund transactions for the six fiscal years after that fiscal year.

20 USC 80q-14.

SEC. 16. DEFINITIONS.

As used in this Act—

(1) the term "Board of Regents" means the Board of Regents of the Smithsonian Institution;

(2) the term "Board of Trustees" means the Board of Trustees of the National Museum of the American Indian;

(3) the term "burial site" means a natural or prepared physical location, whether below, on, or above the surface of the earth, into which, as a part of a death rite or ceremony of a culture, individual human remains are deposited;

(4) the term "funerary object" means an object that, as part of a death rite or ceremony of a culture, is intentionally placed with individual human remains, either at the time of burial or later;

(5) the term "Heye Foundation assets" means the collections, endowment, and all other property of the Heye Foundation (other than the interest of the Heye Foundation in Audubon Terrace) described in the Memorandum of Understanding between the Smithsonian Institution and the Heye Foundation, dated May 8, 1989, and the schedules attached to such memorandum;

(6) the term "Heye Museum" means the Museum of the American Indian, Heye Foundation;

(7) the term "Indian" means a member of an Indian tribe;

(8) the term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act;

(9) the term "National Museum" means the National Museum of the American Indian established by section 3;

(10) the term "Native American" means an individual of a tribe, people, or culture that is indigenous to the Americas and such term includes a Native Hawaiian; and

(11) the term "Native Hawaiian" means a member or descendant of the aboriginal people who, before 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

20 USC 80q-15.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—There is authorized to be appropriated to the Board of Regents to carry out this Act (other than as provided in sections 7(b)(1)(B), 8, 10, 11, 12, 14, and 15(c)(5))—

(1) $10,000,000 for fiscal year 1990; and

(2) such sums as may be necessary for each succeeding fiscal year.

(b) PERIOD OF AVAILABILITY.—Funds appropriated under subsection (a) shall remain available without fiscal year limitation for any period prior to the availability of the facilities to be constructed under section 7 for administrative and planning expenses and for the care and custody of the collections of the National Museum.

Approved November 28, 1989.

LEGISLATIVE HISTORY—S. 978 (H.R. 2668):

HOUSE REPORTS: No. 101-340, Pt. 1 (Comm. on Public Works and Transportation) and Pt. 2 (Comm. on House Administration).

SENATE REPORTS: No. 101-143 (Select Comm. on Indian Affairs and Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 135 (1989):
- Oct. 3, considered and passed Senate.
- Nov. 13, H.R. 2668 considered and passed House; proceedings vacated and S. 978, amended, passed in lieu.
- Nov. 14, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
- Nov. 28, Presidential statement.

Public Law 101-186
101st Congress

Joint Resolution

Nov. 28, 1989
[S.J. Res. 159]

To designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment.

Whereas we face an international environmental crisis that demands the attention of the American people and citizens of every nation in the world, and we must build alliances that transcend the boundaries dividing countries, continents, and cultures in order to solve it;

Whereas we need to confront environmental problems of increasing severity, including climate change; depletion of the stratospheric ozone layer; loss of forests, wetlands, and other wildlife habitats; acid rain; air pollution; ocean pollution; and hazardous and solid waste buildup;

Whereas we must educate and encourage individuals to recognize the environmental impact of their daily lives by becoming environmentally responsible consumers, conserving energy, increasing recycling efforts, and promoting environmental responsibility in their communities;

Whereas it will take major public policy initiatives to cure the causes of environmental degradation, such as phasing out the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and moving toward sustainable development throughout the world;

Whereas almost twenty years ago, millions of Americans joined together on Earth Day to express an unprecedented concern for the environment, and their collective action resulted in the passage of sweeping laws to protect our air, our water, and the lands around us;

Whereas we must make the 1990s an "International Environment Decade", and forge an international alliance to respond to global environmental problems; and

Whereas to inaugurate this environmental decade, we must once again stand up together in cities, towns, and villages around the world for a day of collective action to declare our shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 22, 1990, shall be designated and proclaimed as Earth Day, and that the day shall be set aside for public activities promoting preservation of the global environment.

Approved November 28, 1989.

LEGISLATIVE HISTORY—S.J. Res. 159:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 20, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 101-187
101st Congress

Joint Resolution

Nov. 28, 1989
[S.J. Res. 207]

Approving the location of the memorial to the women who served in Vietnam.

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal Lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in area I, the location is approved by law;

Whereas the Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Incorporated, to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era;

Whereas section 3 of the said Act of November 15, 1988, states the sense of the Congress that it would be most fitting and appropriate to place the memorial within the two and two-tenths acre site of the Vietnam Veterans Memorial in the District of Columbia which is within area I; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act of November 15, 1988, should be located in area I: Now, therefore, be it

40 USC 1003 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era, authorized by the Act approved November 15, 1988 (102 Stat. 3922), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

Approved November 28, 1989.

LEGISLATIVE HISTORY—S.J. Res. 207:

SENATE REPORTS: No. 101-171 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 31, considered and passed Senate.
Nov. 17, considered and passed House.

Public Law 101-188
101st Congress

Joint Resolution

To designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week".

Nov. 28, 1989

[S.J. Res. 218]

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and the descendants of such American Indians have made many essential contributions to this Nation;

Whereas the citizens of the United States should be reminded of the assistance given to our Founding Fathers by the Native Americans; and

Whereas the citizens of the United States should be aware of the present relationship between American Indians and the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 3, 1989, through December 9, 1989, is designated as "National American Indian Heritage Week", and the President is authorized and requested to call upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved November 28, 1989.

LEGISLATIVE HISTORY—S.J. Res. 218:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 16, considered and passed Senate.
Nov. 20, considered and passed House.

Public Law 101-189
101st Congress

An Act

Nov. 29, 1989
[H.R. 2461]

To authorize appropriations for fiscal years 1990 and 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Years 1990 and 1991.
Arms and munitions.
Uniformed services.
Contracts.

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1990 and 1991".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS

(a) Organization of Act Into Divisions.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Expiration of authorizations for fiscal years after fiscal year 1990.
Sec. 4. Congressional defense committees defined.
Sec. 5. Annual outlay report.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Part A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense agencies.
Sec. 105. Reserve components.
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Sec. 107. Multiyear authorizations.
Sec. 108. Changes in prior milestone authorizations.

Part B—B-2 Aircraft Program

Sec. 111. B-2 bomber program funding and limitations for fiscal year 1990.
Sec. 112. Limitation on annual production of B-2 bomber for fiscal years after fiscal year 1990.
Sec. 113. Ongoing evaluation by Comptroller General of B-2 test and evaluation results.
Sec. 114. Report on cost, schedule, and capability.
Sec. 115. Ongoing independent assessment of B-2 aircraft program.
Sec. 116. Submission of unclassified version of B-2 performance matrix.
Sec. 117. Reports relating to correction-of-deficiencies clauses in B-2 aircraft procurement contracts.
Sec. 118. Study of alternative B-2 aircraft force structures.
Sec. 119. Sense of Congress on procurement of B-2 aircraft.

PART C—OTHER STRATEGIC PROGRAMS

Sec. 121. Limitations on B-1B electronic countermeasures recovery program.
Sec. 122. Advanced Cruise Missile program.
Sec. 123. Cap on number of MX missiles that may be deployed.
Sec. 124. Reference to limitation on obligation of funds for MX Rail Garrison program.

PART D—PROGRAM TERMINATIONS

Sec. 131. F-14 aircraft program.
Sec. 132. AH-64 helicopter program.
Sec. 133. AHIP scout helicopter program.
Sec. 134. F-15E aircraft program.
Sec. 135. M88A2 recovery vehicle program.
Sec. 136. Reconnaissance aircraft programs.
Sec. 137. Statutory construction.

PART E—ARMY PROGRAMS

Sec. 141. M-1 tank program.
Sec. 142. Restriction on fiscal year 1989 funds for refuelers/tankers.
Sec. 143. Army recovery vehicle program.
Sec. 144. Repeal of procurement requirement and limitation of funds for the Heavy Expanded Mobility Tactical Truck.
Sec. 145. Limitation on modifications of certain special operations forces aircraft.
Sec. 146. Limitation on acceptance of delivery of Stinger missiles.
Sec. 147. M109 Howitzer Improvement Program.
Sec. 148. Equal employment opportunities relating to an Army contract.

PART F—NAVY PROGRAMS

Sec. 151. Limitation on procurement of V-22 Osprey aircraft.
Sec. 152. Preservation of dual-source production base for Standard Missile II.
Sec. 153. Annual report on Navy aircraft requirements.
Sec. 154. Fast sealift ship program.
Sec. 155. Transfer of A-6 aircraft to the Navy.
Sec. 156. Report regarding Trident submarine construction rate.

PART G—NONSTRATEGIC AIR FORCE PROGRAMS

Sec. 161. MC-130H (Combat Talon) aircraft program.
Sec. 162. AC-130U gunship program.
Sec. 163. AMRAAM missile program.
Sec. 164. Over-the-Horizon Backscatter radar.
Sec. 165. MILSTAR program.
Sec. 166. Limitation on funds for procurement of F-16 aircraft pending approval of certain plans respecting air-land fire support for ground combat forces.

PART H—CHEMICAL MUNITIONS

Sec. 171. Restriction on obligation of funds for procurement of binary chemical munitions.
Sec. 172. Chemical munitions European retrograde program.
Sec. 173. Chemical demilitarization cryofracture program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

Sec. 201. Authorization of appropriations.
Sec. 202. Amounts for basic research and exploratory development for fiscal years 1990 and 1991.
Sec. 203. Amounts for improved infantry equipment.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. Balanced Technology Initiative.
Sec. 212. Integrated electric drive program.
Sec. 213. Fast sealift technology development program.
Sec. 214. Tactical oceanography program.
Sec. 215. Grant for semiconductor cooperative research program.
Sec. 216. Army Heavy Force Modernization program.
Sec. 217. Joint research project on magnetoencephalography (MEG) and neuromagnetism.
Sec. 218. V-22 Osprey aircraft program.
Sec. 219. Biodegradable materials research.

PART C—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Funding for the Strategic Defense Initiative for fiscal year 1990.
Sec. 222. Report on allocation of fiscal year 1990 SDI funding.
Sec. 223. Limitation on development and testing of antiballistic missile systems or components.
Sec. 224. Requirement for annual report on SDI programs.

PART D—STRATEGIC PROGRAMS

Sec. 231. Funding and limitations for ICBM modernization program.
Sec. 232. Funding for security improvements at the Kwajalein test range.
Sec. 233. Titan IV West Coast Launch Pad.

PART E—CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

Sec. 241. Program for monitoring compliance with possible chemical weapons convention.
Sec. 242. Report on biological defense research program.
Sec. 243. Restoration of certain reporting requirements relating to chemical and biological warfare agents.

PART F—OTHER MATTERS

Sec. 251. Advanced research projects.
Sec. 252. Clarification of requirement for competition in award of research and development contracts and construction contracts to colleges and universities.
Sec. 253. Extension of deadline for selection of heavy truck system configured with palletized loading system.
Sec. 254. Testing of infantry anti-tank weapon.
Sec. 255. Funding for facility for collaborative research and training for military medical personnel; funding for microelectronics research.
Sec. 256. Availability of funds transferred to NASA for National Aerospace Plane.
Sec. 257. Repeal of specification of funds for Rankine engine.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

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Sec. 302. Working capital funds.
Sec. 303. Department of Defense Base Closure Account.
Sec. 304. Humanitarian assistance.
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Sec. 306. Assistance to schools to benefit children of members of the Armed Forces and civilian employees of the Department of Defense.

PART B—LIMITATIONS

Sec. 311. Prohibition on payment of severance pay to foreign nationals in the event of certain base closures.
Sec. 312. Prohibition on joint use of the Marine Corps Air Station at El Toro, California, with civil aviation.
Sec. 313. Clarification of prohibition on certain depot maintenance workload competitions.
Sec. 314. Reduction in the number of civilian personnel authorized for duty in Europe.
Sec. 315. Repeal of limitation on the use of operation and maintenance funds to purchase investment items.

PART C—MISCELLANEOUS PROGRAM CHANGES

Sec. 321. Authorization to reduce under certain circumstances the rates for meals sold at a military dining facility.
Sec. 322. Improved and expedited disposal of lost, abandoned, or unclaimed personal property in the custody of the Armed Forces.
Sec. 323. Procurement of laundry and dry cleaning services from Navy exchanges.
Sec. 324. Procurement of supplies and services from military exchanges outside the United States.
Sec. 325. Tuition-free enrollment of dependents of certain employees of nonappropriated fund instrumentalities in schools of the Defense Dependents' Education System.
Sec. 326. Authority to use appropriated funds to support student meal programs in Department of Defense overseas dependents' schools.
Sec. 327. Commercial sale of recording of Air Force Singing Sergeants.

Sec. 328. Transportation of motor vehicles of military and civilian personnel stationed on Johnston Island.
Sec. 329. Authority to provide certain assistance to annual conventions of national military associations.
Sec. 330. Authority to lease fleet electronic warfare support aircraft.
Sec. 331. Energy efficiency incentive.
Sec. 332. Authority to acquire railroad track structure and temporary right-of-way for rail line.
Sec. 333. Authorization of long-term aircraft support contract.
Sec. 334. Service contract to train undergraduate naval flight officers.
Sec. 335. Defense contract auditors.
Sec. 336. Uniform allowance for civilian employees of the Department of Defense required to wear uniforms.

Part D—Armed Forces Retirement Homes

Sec. 341. United States Soldiers' and Airmen's Home subject to annual authorizations of appropriations.
Sec. 342. Military fines and forfeitures to benefit Armed Forces retirement homes.
Sec. 343. Deductions from the pay of enlisted members and warrant officers to benefit Armed Forces retirement homes.
Sec. 344. Inspection of Armed Forces retirement homes by Inspector General of the Department of Defense.
Sec. 345. Report regarding improving the operation and management of the Armed Forces retirement homes.
Sec. 346. Definitions.
Sec. 347. Repeal of superseded provisions relating to the United States Soldiers' and Airmen's Home.

Part E—Environmental Provisions

Sec. 351. Limitation on use of environmental restoration funds.
Sec. 352. Requirement for development of environmental data base.
Sec. 353. Five-year plan for environmental restoration at bases to be closed.
Sec. 354. Funding for waste minimization programs for certain industrial-type activities of the Department of Defense.
Sec. 355. Sense of Congress concerning investigation of soil and water contamination near Mead, Nebraska.
Sec. 356. Use of chlorofluorocarbons and halons in the Department of Defense.
Sec. 357. Annual report on defense budget for environmental compliance.
Sec. 358. Report on environmental requirements and priorities.
Sec. 359. Reports on environmental restoration of Jefferson Proving Ground, Indiana.
Sec. 360. Study of environmental damage to Shenandoah River.
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Part F—Miscellaneous Reports

Sec. 371. Report on military use of the inland navigation system.
Sec. 372. Report on manpower, mobility, sustainability, and equipment.
Sec. 373. Report on second source for carbonizable rayon yarn.
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TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

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Sec. 401. End strengths for active forces.
Sec. 402. Reduction for fiscal year 1991 in number of Air Force colonels.
Sec. 403. Temporary increase in officer grade limitations.

Part B—Reserve Forces

Sec. 411. End strengths for selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.

Part C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

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TITLE V—MILITARY PERSONNEL

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Sec. 503. Three-year extension of certain Reserve officer management programs.
Sec. 504. Two-year extension of authority for certain single parents to enlist in reserve components.
Sec. 505. Two-year program of special unit assignment pay for enlisted members of Selected Reserve.
Sec. 506. Military education for civilian technicians of the Army National Guard.

PART B—OTHER MATTERS

Sec. 511. Increase in service obligation for graduates of the service academies and the Uniformed Services University of the Health Sciences.
Sec. 512. Extension of authority to make temporary promotions of certain Navy lieutenants.
Sec. 513. Testing of new entrants for drug and alcohol abuse.
Sec. 514. Correction of military records concerning promotions and enlistments of enlisted members.
Sec. 515. Title of admissions officer of United States Air Force Academy.
Sec. 516. Eligibility for Prisoner-of-War medal.
Sec. 517. GAO report on technical training for recruits and members of the reserve components.
Sec. 518. Provision of off-duty postsecondary education services overseas.
Sec. 519. Matters to be considered by promotion boards in case of officers in health professions competitive categories.
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TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 612. Enlistment bonus for members in skills designated as critical.
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PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

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Sec. 632. Aviator retention bonuses.
Sec. 633. Reduction in nonoperational flying duty positions.
Sec. 634. Minimum service requirement for aviators.
Sec. 635. Report on life insurance.
Sec. 636. Report on aviator assignment policies and practices.
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PART E—MONTGOMERY GI BILL AMENDMENTS

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TITLE VII—HEALTH CARE PROVISIONS

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Sec. 727. Retention of funds collected from third-party payers of inpatient care furnished at facilities of the uniformed services.
Sec. 728. Reallocation of certain civilian personnel positions to medical support.
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Sec. 802. Operational test and evaluation.
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Part B—Changes to Acquisition Statutes

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Sec. 2401. Authorized defense agencies construction and land acquisition projects.
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Sec. 2407. Medical facility, Fort Sill, Oklahoma.

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Sec. 2422. Authorization of appropriations, defense agencies.

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Sec. 3502. Authorization of expenditures.
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SEC. 3. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER 1990

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1990 are effective only with respect to appropriations made during the first session of the One Hundred First Congress.

SEC. 4. CONGRESSIONAL DEFENSE COMMITTEES DEFINED

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

10 USC 114a note.

SEC. 5. ANNUAL OUTLAY REPORT

(a) ANNUAL REPORT ON OUTLAYS AND BUDGET AUTHORITY REQUIRED.—(1) Not later than December 15, 1989, and not later than December 15 of each year thereafter, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropriations, and the Budget of the Senate a joint report containing an agreed resolution of all differences between—

(A) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for the budget to be submitted to Congress pursuant to section 1105 of title 31, United States Code, in the year following the year in which the report is submitted; and

(B) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to such accounts for such budget.

(2) In the event that the Director of the Office of Management and Budget and the Director of the Congressional Budget Office are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the Office of Management and Budget and the Congressional Budget Office.

(3) The report with respect to a budget shall identify the following:

(A) The agreed first-year and outyear outlay rates for each account for the Department of Defense for each fiscal year covered by the proposed budget.

(B) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years prior to the fiscal year that begins after submission of the report.

(b) SENSE OF CONGRESS REGARDING BUDGET RESOLUTIONS AND BUDGET SCOREKEEPING.—It is the sense of Congress that, in order to prevent a recurrence of a mismatch between budget authority and outlays for budget function 050 (National Defense), the technical assumptions contained in the report under subsection (i)(1) with respect to any budget should be used in the preparation of that budget, the preparation of the budget resolution, and in all scorekeeping in connection with budget function 050 (National Defense).

(c) SENSE OF CONGRESS REGARDING REQUIRED REDUCTIONS AND OTHER CHANGES IN NATIONAL DEFENSE OUTLAYS IN RELATION TO BUDGET AUTHORITY.—It is the sense of Congress that the outlay level specified for national defense for any fiscal year in the budget resolution for that fiscal year should not require a reduction (or other change) in outlays for national defense for that fiscal year below (or in relation to) the estimated outlays specified for national defense in the budget for such fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code) by more than the amount by which such estimated outlays would be reduced (or otherwise changed) if the amount of budget authority provided for in each title of the President's request for budget authority for national defense (as contained in such budget) were reduced (or otherwise changed) by the uniform percentage necessary for the requested budget authority for national defense to be equal to the budget authority specified for national defense in that budget resolution unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

(1) $3,120,500,000 for fiscal year 1990, of which $1,021,908,000 shall be available for modification of aircraft.

(2) $2,617,038,000 for fiscal year 1991.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

(1) $2,756,827,000 for fiscal year 1990, of which $107,337,000 shall be available for modification of missiles.

(2) $2,571,260,000 for fiscal year 1991.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

(1) $2,717,500,000 for fiscal year 1990.

(2) $2,602,026,000 for fiscal year 1991.

(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Army as follows:

(1) $1,887,047,000 for fiscal year 1990.

(2) $1,365,609,000 for fiscal year 1991.

(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Army as follows:

(1) $3,068,771,000 for fiscal year 1990, of which—

(A) $446,282,000 is for tactical and support vehicles;

(B) $1,469,183,000 is for communications and electronics equipment; and

(C) $1,153,306,000 is for other support equipment.

(2) $3,146,340,000 for fiscal year 1991.

(f) INSTALLATION OF MODERNIZATION EQUIPMENT.—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modifications specified in subsections (a)(1) and (b)(1)) as follows:

(1) Of funds appropriated for aircraft procurement for the Army, $89,900,000.

(2) Of funds appropriated for missile procurement for the Army, $38,300,000.

(3) Of funds appropriated for weapons and tracked combat vehicles, $143,400,000.

(4) Of funds appropriated for other procurement for the Army, $97,700,000.

SEC. 102. NAVY AND MARINE CORPS

(a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:

(A) $9,500,222,000 for fiscal year 1990.

(B) $4,353,057,000 for fiscal year 1991.

(2) Of the amounts authorized to be appropriated pursuant to paragraph (1) for fiscal year 1990, funds shall be available for certain programs as follows:

(A) For the F-14D aircraft program, $1,529,664,000 of which—

(i) $1,175,336,000 shall be available for procurement of 18 new production F-14D aircraft and related new production close-out;

(ii) $272,000,000 shall be available for procurement of six remanufactured F-14D aircraft; and

(iii) $82,664,000 shall be available for advance procurement for remanufactured F-14D aircraft.

(B) For the CH/MH-53E aircraft program, $254,000,000 for 10 CH-53E aircraft and four MH-53E aircraft, subject to the limitation that any CH-53E aircraft procured with such funds shall be available only for the heavy-lift mission of the Marine Corps.

(C) For modification of aircraft, $600,757,000 shall be available for procurement of aircraft modifications.

(b) WEAPONS.—(1) Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(A) $3,884,035,000 for fiscal year 1990.

(B) $1,987,294,000 for fiscal year 1991.

(2) Amounts authorized to be appropriated pursuant to paragraph (2) for fiscal year 1990 shall be available as follows:

(A) For ballistic missile programs, $1,518,165,000.

(B) For other missile programs, $2,798,552,000.

(C) For torpedo programs, $810,954,000 as follows:

For the MK-48 torpedo program, $438,900,000.

For the Sea Lance program, $1,799,000.

For the MK-50 torpedo program, $269,130,000.

For the ASW target program, $12,983,000.

For the ASROC program, $9,282,000.

For the modification of torpedoes and related equipment, $15,653,000.

For the torpedo support equipment program, $39,002,000.

For the antisubmarine warfare range support program, $24,205,000.

(D) For other weapons, $184,361,000, of which—

(i) $74,990,000 is for the MK-15 close-in weapon system; and

(ii) $63,771,000 is for the close-in weapon system modification program.

(E) For spares and repair parts, $94,441,000.

The sum of amounts authorized to be appropriated for fiscal year 1990 for torpedo programs, other weapons, and spares and spare parts is reduced by $7,800,000.

(c) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:

(A) $10,958,400,000 for fiscal year 1990.

(B) $9,532,656,000 for fiscal year 1991.

(2) Amounts authorized to be appropriated pursuant to paragraph (1) shall be available as follows:

For the Trident submarine program, $1,137,800,000 for fiscal year 1990.

For the SSN-688 nuclear attack submarine program, $763,300,000 for fiscal year 1990.

For the SSN-21 nuclear attack submarine program, $816,800,000 for fiscal year 1990 and $3,329,000,000 for fiscal year 1991.

For the aircraft carrier service life extension program (SLEP), $651,200,000 for fiscal year 1990 and $76,600,000 for fiscal year 1991.

For the Enterprise refueling/modernization program, $1,422,100,000 for fiscal year 1990.

For the DDG-51 guided missile destroyer program, $3,533,700,000 for fiscal year 1990 and $3,604,700,000 for fiscal year 1991.

For the LHD-1 amphibious assault ship program, $35,000,000 for fiscal year 1990 and $959,900,000 for fiscal year 1991.

For the LSD-41 cargo variant program, $229,300,000 for fiscal year 1990 and $232,700,000 for fiscal year 1991.

For the MCM mine countermeasures program, $341,500,000 for fiscal year 1990.

For the MHC coastal minehunter program, $282,000,000 for fiscal year 1990 and $255,900,000 for fiscal year 1991.

For the AO (Jumbo) conversion program, $35,700,000 for fiscal year 1990.

For the TAGOS ocean surveillance ship program, $155,800,000 for fiscal year 1990.

For the AOE fast combat support ship program, $356,400,000 for fiscal year 1990 and $357,700,000 for fiscal year 1991.

For the oceanographic research ship program, $278,100,000 for fiscal year 1990 and $41,900,000 for fiscal year 1991.

For the moored training ship program, $220,000,000 for fiscal year 1990.

For service craft and landing craft, $56,400,000 for fiscal year 1990 and $88,600,000 for fiscal year 1991.

For the landing craft, air cushion (LCAC) program, $273,300,000 for fiscal year 1990 and $284,000,000 for fiscal year 1991.

For the Fast Sealift ship program, $20,000,000 for fiscal year 1990 and $240,000,000 for fiscal year 1991.

For outfitting and post delivery, $340,000,000 for fiscal year 1990.

For ship production engineering, $61,656,000 for fiscal year 1991.

For ship special support equipment, $10,000,000 for fiscal year 1990.

(d) OTHER PROCUREMENT, NAVY.—(1) Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:

(A) $8,207,125,000 for fiscal year 1990.

(B) $5,144,805,000 for fiscal year 1991.

(2) Of the amounts authorized to be appropriated pursuant to paragraph (1) for fiscal year 1990, funds shall be available for certain programs as follows:

(A) For the ship support equipment program, $711,413,000.

(B) For the communications and electronics equipment program, $1,535,019,000.

(D) For aviation support equipment, $591,398,000.

(E) For the ordnance support equipment program, $1,079,346,000.

(F) For civil engineering support equipment, $113,592,000.

(G) For supply support equipment, $156,081,000.

(H) For personnel and command support equipment, $409,471,000.

(I) For spares and repair parts, $529,905,000.

The sum of amounts authorized to be appropriated for ship support equipment, communications and electronics equipment, ordnance support equipment, and spares and repair parts is reduced by $15,300,000.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:

(1) $1,215,600,000 for fiscal year 1990.

(2) $748,380,000 for fiscal year 1991.

(f) INSTALLATION OF MODERNIZATION EQUIPMENT.—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modification specified in subsections (a)(2)(C) and (d)(2)(A)) as follows:

(1) Of funds appropriated for aircraft procurement for the Navy, $783,400,000.

(2) Of funds appropriated for weapons procurement for the Navy, $33,800,000.

(3) Of funds appropriated for other procurement for the Navy, $3,096,200,000.

(4) Of funds appropriated for procurement for the Marine Corps, $15,400,000.

SEC. 103. AIR FORCE

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:

(1) $16,329,857,000 for fiscal year 1990, of which $2,107,969,000 shall be available for modification of aircraft.

(2) $11,120,820,000 for fiscal year 1991.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:

(1) $7,110,900,000 for fiscal year 1990, of which $115,647,000 shall be available for modification of missiles.

(2) $5,327,084,000 for fiscal year 1991.

(c) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:

(1) $8,538,454,000 for fiscal year 1990, of which—

(A) $410,921,000 is for munitions and associated support equipment;

(B) $224,268,000 is for vehicular equipment;

(C) $2,322,727,000 is for electronics and telecommunications equipment; and

(D) $5,580,538,000 is for other base maintenance and support equipment.

(2) $8,187,568,000 for fiscal year 1991.

(d) INSTALLATION OF MODERNIZATION EQUIPMENT.—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modifications specified in subsections (a)(1) and (b)(1)) as follows:

(1) Of funds appropriated for aircraft procurement for the Air Force, $685,900,000.

(2) Of funds appropriated for missile procurement for the Air Force, $38,400,000.

SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies as follows:

(1) $1,332,251,000 for fiscal year 1990.

(2) $1,113,169,000 for fiscal year 1991.

SEC. 105. RESERVE COMPONENTS

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $209,000,000.

(2) For the Air National Guard, $350,500,000.

(3) For the Army Reserve, $75,000,000.

(4) For the Navy Reserve, $74,300,000.

(5) For the Air Force Reserve, $219,500,000.

(6) For the Marine Corps Reserve, $60,000,000.

(b) Installation of Modernization Equipment.—Of the amounts authorized to be appropriated in subsection (a) for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment as follows:

(1) Of funds appropriated for the Navy Reserve, $28,300,000.

(2) Of funds appropriated for the Air Force Reserve, $10,000,000.

(3) Of funds appropriated for the Air National Guard, $59,500,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) as follows:

(1) $263,700,000 for fiscal year 1990.

(2) $317,700,000 for fiscal year 1991.

SEC. 107. MULTIYEAR AUTHORIZATIONS

(a) Authorized Multiyear Procurements.—The Secretary of the military department concerned may use funds appropriated for fiscal year 1990 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) Army.—For the Department of the Army:

(A) The M-1 Abrams tank program.

(B) The Bradley Fighting Vehicle program.

(C) The MH-47 helicopter program.

(D) The Family of Heavy Tactical Vehicles program.

(2) Navy.—For the Department of the Navy:

(A) The DDG-51 destroyer program.

(B) The SH-60 B/F helicopter program.

(C) The Mark 45 gun mount and Mark 6 ammunition hoist program.

(3) Air Force.—For the Department of the Air Force:

(A) The KC-135 tanker aircraft program.

(B) The Combined Effects Munitions (CEM) program.

(C) The MH-60G helicopter program.

(D) The Maverick AGM65D missile program.

(b) DENIAL OF CERTAIN MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may not use funds appropriated for fiscal year 1990 to enter into a multiyear procurement contract for any of the following programs:

(1) The E-2C aircraft program.

(2) The FA-18 aircraft program.

SEC. 108. CHANGES IN PRIOR MILESTONE AUTHORIZATIONS

(a) PROCUREMENT PROGRAMS.—(1) Subsection (a)(2) of section 106 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1034) is amended—

(A) by striking out "$976,200,000" in subparagraph (A) and inserting in lieu thereof "$984,719,000"; and

(B) by striking out "$360,000,000" in subparagraph (B) and inserting in lieu thereof "$68,596,000".

(2) Subsection (b)(2) of such section is amended—

(A) by striking out "$158,200,000" in subparagraph (A) and inserting in lieu thereof "$94,873,000"; and

(B) by striking out "$209,000,000" in subparagraph (B) and inserting in lieu thereof "$199,858,000".

(3) Subsection (c)(2) of such section is amended—

(A) by striking out "$2,215,000,000" in subparagraph (A) and inserting in lieu thereof "$1,514,638,000"; and

(B) by striking out "$2,090,500,000" in subparagraph (B) and inserting in lieu thereof "$1,535,225,000".

(4) Subsection (d)(2) of such section is amended—

(A) by striking out "$437,700,000" in subparagraph (A) and inserting in lieu thereof "$153,114,000"; and

(B) by striking out "$596,300,000" in subparagraph (B) and inserting in lieu thereof "$431,565,000".

(b) RDT&E PROGRAMS.—(1) Subsection (a)(2) of section 216 of such Act (101 Stat. 1051) is amended by striking out "$49,000,000" and inserting in lieu thereof "$44,661,000".

(2) Subsection (b)(2) of such section is amended—

(A) by striking out "$338,300,000" in subparagraph (A) and inserting in lieu thereof "$216,054,000"; and

(B) by striking out "$164,700,000" in subparagraph (B) and inserting in lieu thereof "$70,670,000".

(3) Subsection (c)(2) of such section is amended—

(A) by striking out "$23,700,000" in subparagraph (A) and inserting in lieu thereof "$22,475,000"; and

(B) by striking out "$24,000,000" in subparagraph (B) and inserting in lieu thereof "$14,603,000".

PART B—B-2 AIRCRAFT PROGRAM

SEC. 111. B-2 BOMBER PROGRAM FUNDING AND LIMITATIONS FOR FISCAL YEAR 1990

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 103(a) for procurement of aircraft for the Air Force for fiscal year 1990—

(1) not more than $1,663,974,000 may be obligated for procurement of B-2 aircraft;

(2) not more than $424,800,000 may be obligated for advance procurement of B-2 aircraft; and

(3) not more than $331,600,000 may be obligated for procurement of initial spares for B-2 aircraft.

(b) BLOCK 1 FLIGHT TESTING.—Funds appropriated for fiscal year 1990 for procurement of aircraft for the Air Force may not be obligated for the procurement of new production B-2 aircraft until—

(1) the planned Block 1 program of flight testing of the B-2 aircraft (consisting of approximately 75 flight test hours and 15 flights) is completed;

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) reviews the Block 1 flight test data;

(B) evaluates the performance of the B-2 aircraft during such flight testing with respect to issues considered to be "Critical Operational Issues"; and

Reports.

(C) submits to the Secretary of Defense a report containing (i) the results of such review and such evaluation (including the Director's findings and conclusions concerning such test data), and (ii) an assessment known as an "Early Operational Assessment"; and

(3) the Secretary of Defense certifies to the congressional defense committees that no major aerodynamic problem or flightworthiness problem has been identified during the Block 1 flight testing of the B-2 aircraft.

(c) BLOCK 2 FLIGHT TESTING.—(1) Funds appropriated for fiscal year 1990 for procurement of aircraft for the Air Force may not be obligated for the procurement of B-2 aircraft until Block 2 flight testing (including testing of low-observables and flying qualities and performance testing in accordance with the Test and Evaluation Master Plan approved for the B-2 program) begins.

Reports.

(2) Of the amounts made available for fiscal year 1990 for the procurement of B-2 aircraft, not more than 15 percent may be expended until—

(A) the panel of the Defense Science Board known as the Low-Observables Panel conducts an independent review of the test data resulting from early Block 2 flight testing and submits to the Secretary of Defense a report on the results of that review, together with the Panel's findings and conclusions, and a period of seven days elapses after the Secretary receives such report; and

(B) the Secretary of Defense, after receiving such report, certifies to the congressional defense committees that—

(i) the results of early Block 2 flight testing of that aircraft (including testing of low-observables and flying qualities and performance) are satisfactory; and

(ii) no significant technical or operational problems have been identified during early Block 2 flight testing.

(3) Not later than seven days after the date on which the Secretary receives the report under paragraph (2)(A), the Director of Operational Test and Evaluation shall submit to the Secretary the Director's evaluation of the results of the Block 2 flight testing to that date.

(d) APPLICATION OF LIMITATIONS AND REQUIREMENTS.—The limitations in subsections (b) and (c) apply only to the two new production B-2 aircraft for which funds are provided for fiscal year 1990.

SEC. 112. LIMITATION ON ANNUAL PRODUCTION OF B-2 BOMBER FOR FISCAL YEARS AFTER FISCAL YEAR 1990

(a) Required Annual Certification.—Funds appropriated to the Department of Defense for a fiscal year after fiscal year 1990 may not be obligated or expended for procurement for new production aircraft under the B-2 bomber program unless and until the Secretary of Defense submits to the congressional defense committees the certification referred to in subsection (b) with respect to that fiscal year.

Public information.

(b) Certification.—A certification referred to in subsection (a) for any fiscal year is a certification submitted by the Secretary of Defense to the congressional defense committees after the beginning of the fiscal year which is in writing and in unclassified form and in which the Secretary certifies each of the following:

(1) That the performance milestones for the B-2 aircraft for the previous fiscal year for both developmental test and evaluation and operational test and evaluation (as contained in the latest full performance matrix for the B-2 aircraft program established under section 232(a) of Public Law 100-456 and section 121 of Public Law 100-180) have been met.

(2) That the B-2 aircraft has a high probability of being able to perform its intended missions.

(3) That any proposed modification to the performance matrix referred to in paragraph (1) will be provided in writing in advance to the congressional defense committees.

(4) That the cost reduction initiatives established for the B-2 program can be achieved (such certification to be submitted together with details of the savings to be realized).

(5) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

SEC. 113. ONGOING EVALUATION BY COMPTROLLER GENERAL OF B-2 TEST AND EVALUATION RESULTS

(a) Evaluation.—The Comptroller General of the United States shall review all test reports and evaluation documents of the Department of Defense concerning the B-2 aircraft program.

(b) Reports.—The Comptroller General shall submit to Congress periodic reports setting forth the Comptroller General's findings resulting from the review under subsection (a). In addition to whatever other reports the Comptroller General submits under the preceding sentence, the Comptroller General shall submit a report under that sentence—

(1) not later than 30 days after the date on which the Secretary of Defense submits a certification under section 111(b)(3) with respect to Block 1 flight testing or a certification under section 111(c)(2)(B) with respect to Block 2 flight testing; and

(2) in any fiscal year, not later than 30 days after the date on which the Secretary of Defense submits a certification under section 112(a) with respect to that fiscal year.

(c) Matters To Be Included in Report.—Each report under subsection (b) shall include the Comptroller General's evaluation of—

(1) the rigor, realism, and adequacy of the developmental test and evaluation and the operational test and evaluation activities;

(2) whether such test and evaluation complies with the full performance matrix described in section 112(b)(1); and

(3) whether threat data as agreed upon within the United States intelligence community was fully used in the test and evaluation process.

(d) UNCLASSIFIED SUMMARY.—Each such report shall include an unclassified statement containing a summary of the findings of the Comptroller General with respect to each principal matter discussed in the report.

SEC. 114. REPORT ON COST, SCHEDULE, AND CAPABILITY

(a) REQUIRED REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the cost, schedule, and capability of the B-2 aircraft program. The report shall provide the following:

(1) An unclassified integrated program schedule for the B-2 aircraft program that includes—

(A) the total cost of the program shown by fiscal year, including costs (shown by fiscal year) for research and development, for procurement (including advance procurement, spares, and modifications), for military construction, for operation and maintenance, and for personnel (with all such costs to be expressed in both base year and then year dollars); and

(B) the proposed annual buy rate of B-2 aircraft.

(2) A detailed statement of the mission and requirements for the B-2 aircraft, including the current and projected capability (based on threat data as agreed upon within the United States intelligence community) of the B-2 aircraft to conduct missions against strategic relocatable targets and to conduct conventional warfare operations.

(3) A detailed assessment of the performance of the B-2 aircraft, together with a comparison of that performance with the performance of existing strategic penetrating bombers of the United States based on threat data as agreed upon within the United States intelligence community.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those risks associated with the avionics systems and components of the aircraft.

(b) LIMITATION ON FUNDING UNTIL REPORT SUBMITTED.—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement for new production aircraft under the B-2 bomber program until the report required by subsection (a) is submitted to the congressional defense committees.

SEC. 115. ONGOING INDEPENDENT ASSESSMENT OF B-2 AIRCRAFT PROGRAM

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall provide for an ongoing independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors and the United States intelligence community, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(b) Report.—The panel shall submit periodic reports of its findings to Congress. The first such report shall be submitted not later than April 1, 1990. Subsequent reports shall be submitted every six months thereafter until B-2 aircraft procurement is completed. Such reports shall be submitted in both classified and unclassified form. Each such report shall address the following matters:

Union of Soviet Socialist Republics.

(1) The capability of air defenses of the Soviet Union to defeat the B-2 aircraft during the designed service life of that aircraft, taking into consideration in particular—

(A) the low radar signature and anticipated performance of the aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of the aircraft;

(B) the capabilities of the aircraft to complete those missions; and

(C) the capability of the aircraft to search for, identify, and destroy strategic relocatable targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the missions of the B-2 aircraft at lesser costs.

(4) The planned service life of the B-2 aircraft and the potential for growth in that planned service life through the incorporation of preplanned product improvements and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

SEC. 116. SUBMISSION OF UNCLASSIFIED VERSION OF B-2 PERFORMANCE MATRIX

Reports.

The Secretary of Defense shall submit to the congressional defense committees a report containing an unclassified version of the latest full performance matrix for the B-2 program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456. The report shall be submitted at the same time as the budget of the President for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 117. REPORTS RELATING TO CORRECTION-OF-DEFICIENCIES CLAUSES IN B-2 AIRCRAFT PROCUREMENT CONTRACTS

(a) Reports Required.—The Secretary of Defense shall submit to the congressional defense committees two reports on the implementation of the contractor guarantee requirements of section 2403 of title 10, United States Code, with respect to the B-2 aircraft program. Each such report shall include the following:

(1) A copy of each so-called "correction of deficiency" clause in a contract with the prime contractor for the B-2 aircraft program in effect as of the date of the submission of the report.

(2) The plans of the Department of Defense for meeting the requirements of subsection (b) of section 2403 of title 10, United States Code, in future contracts for the procurement of B-2 aircraft, including a copy of any specific contract clause that has been agreed to by the Air Force and the contractor under that subsection.

(3) The manner in which inspection or acceptance by the Air Force will affect the relative liability of the Government and the contractor—

(A) under the contract clauses referred to in paragraphs (1) and (2), and

(B) under the plans referred to in paragraph (2) for compliance with the contractor guarantee requirements referred to in that paragraph.

(b) SUBMISSION OF REPORTS.—The first report required by subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act. The second report shall be submitted in conjunction with the certification under section 111(b)(3).

(c) PROTECTION OF PROPRIETARY INFORMATION.—The reports required by this section shall be submitted in classified and unclassified versions and shall clearly identify any material that contains proprietary information or other source selection information, the disclosure of which is restricted by law or regulation.

(d) MODIFICATION OF CORRECTION-OF-DEFICIENCY CLAUSES.—(1) The Secretary of the Air Force shall take appropriate steps to ensure—

(A) that the procurement of all B-2 aircraft authorized for fiscal years 1989 and 1990 is subject to a contractor guarantee pursuant to section 2403 of title 10, United States Code; and

(B) that the prime contractor for such aircraft is required to assume a substantially greater responsibility for the cost of corrective actions required under section 2403(b) of such title than under existing contracts for B-2 aircraft.

(2) Notwithstanding section 2403(g) of such title, the Secretary may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) of such title for the B-2 aircraft referred to in paragraph (1) that would result in the total of such liability for such costs being less than the total of the contractor's target profit on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs.

(3) Whenever the Secretary makes a determination under paragraph (2), the Secretary shall notify the congressional defense committees of that determination and shall include in such notification the specific reasons for such determination and copies of any relevant exclusions or limitations.

(4) The Secretary shall describe in the reports required by subsection (a) the steps the Air Force has taken under this subsection.

(5) Nothing in this section shall be construed to require the renegotiation of any contract in effect on the date of the enactment of this Act.

SEC. 118. STUDY OF ALTERNATIVE B–2 AIRCRAFT FORCE STRUCTURES

(a) Requirement for Study.—The Secretary of Defense shall conduct a comprehensive study of the force structure for the B–2 aircraft. Under the study, the Secretary shall compare—

(1) the current plan of the Department of Defense to produce 132 B–2 aircraft, with

(2) two alternative plans for production of B–2 aircraft, one of which would provide for procurement of three wings of B–2 aircraft with a total of 90 to 100 aircraft and the second of which would provide for procurement of two wings of B–2 aircraft with a total of 60 to 70 aircraft.

(b) Matters To Be Considered.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B–2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs, and

(D) unit and flyaway costs.

(2) The effect on the military and arms control posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities, and

(C) on-going arms control negotiations and post-treaty force structures.

(c) Report.—The Secretary shall submit to the congressional defense committees a report in both classified and unclassified form containing the results of the study conducted under subsection (a). The report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than March 31, 1990.

SEC. 119. SENSE OF CONGRESS ON PROCUREMENT OF B–2 AIRCRAFT

(a) Findings.—Congress makes the following findings:

(1) The United States has devoted substantial resources over the past several decades to the strategic bomber force, including substantial resources for—

(A) significant upgrades to B–52 aircraft;

(B) research, development, and procurement of B–1 aircraft; and

(C) research, development, and procurement of air-launched cruise missiles.

(2) The current estimate of the Department of Defense of a cost of $70,200,000,000 for acquisition of a force of 132 B–2 aircraft is predicated on several assumptions, including the achievement of cost-reduction initiatives, not all of which have been contracted for.

(3) The life-cycle costs for a force of 132 B–2 aircraft would be significantly higher than the acquisition cost estimate of $70,200,000,000.

(4) Funds have been approved for the production of 10 B–2 aircraft through fiscal year 1990, but Congress has not decided the total number of such aircraft that should be produced.

(5) If a substantial number of B–2 aircraft is not procured, additional funds could be made available for other important military programs.

(6) Fiscal year 1990 will constitute the fifth consecutive fiscal year for which the amount appropriated for national defense functions of the Government declined (after adjusting for inflation) from the preceding fiscal year.

(7) Expected limitations on future defense budgets make it essential that the Nation's defense priorities be carefully analyzed so as to properly fund the Armed Forces, including the various elements of the Nation's strategic forces.

(b) Sense of Congress.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) it is not prudent or possible at this time to commit to a production rate for the B-2 aircraft higher than the rate under the low-rate initial production plan;

(2) the contingent authorization of funds in this Act for the low-rate initial production of two additional B-2 aircraft does not constitute a commitment to support the procurement of large numbers of B-2 aircraft, to provide funding in subsequent years for rate production of B-2 aircraft, or to approve a multiyear procurement of B-2 aircraft; and

(3) before a commitment is made to proceed with initial full-rate production of the B-2 aircraft, the President and Congress should carefully consider (based upon the assumption of a START regime that uses the Reykjavik counting rule for bombers, upon the assumption of a START regime that uses alternative rules for counting bombers, and upon the assumption of no START treaty) the desirability and feasibility of—

(A) structuring the strategic bomber force of the United States in such a manner that primary reliance would be placed upon bombers carrying cruise missiles rather than bombers having strictly a penetrating role; and

(B) pursuing options for the procurement of significantly fewer than 132 B-2 aircraft so that, if a decision is made in the future to procure an operational force of B-2 aircraft, the total acquisition and life-cycle cost of the B-2 aircraft program would be reduced.

Part C—Other Strategic Programs

SEC. 121. LIMITATIONS ON B-1B ELECTRONIC COUNTERMEASURES RECOVERY PROGRAM

(a) General Limitation.—The Secretary of the Air Force may proceed with the recovery program for the B-1B aircraft electronic countermeasures (ECM) system only in accordance with this section.

(b) Requirement for Testing Program.—(1) During fiscal years 1990 and 1991, the Secretary of Defense shall conduct a comprehensive program for the systematic testing of the B-1B avionics modifications.

(2) For purposes of this section, the term "B-1B avionics modifications" means the modifications proposed by the Air Force to the defensive avionics system of the B-1B aircraft consisting of (A) the "core configuration" modification to the ALQ-161 system, plus (B) the installation and integration of a radar warning receiver.

Reports.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a detailed plan for the conduct of the systematic testing

program required by paragraph (1). The plan shall include the following:

(A) The planned test schedule for each of the various components of the defensive avionics system of the B-1B aircraft, to be tested both singly and in combination with other components of the defensive and offensive avionics systems for the aircraft.

(B) The objectives of each of the planned tests and the criteria that will be used to determine whether each such test is successful, partially successful, or unsuccessful.

(C) An explanation of how those scheduled tests can be used to estimate the capability of the B-1B aircraft to penetrate air defenses of the Soviet Union, including both single and multiple air defense threats.

(c) Modifications to B-1B Aircraft.—(1) The Secretary of the Air Force may modify not more than six B-1B aircraft to incorporate the B-1B avionics modifications.

(2) The aircraft that are so modified shall be used to conduct the test program required by subsection (b). The test program shall be carried out in accordance with the plan submitted under subsection (b)(3).

(3) Except as provided in paragraph (4), no B-1B aircraft other than those modified pursuant to paragraph (1) may be modified to incorporate the B-1B avionics modifications until the test program required by subsection (b) is completed.

(4) The Secretary may modify the avionics systems of the first 19 B-1B production aircraft to bring those aircraft to the current avionics configuration of the balance of the B-1B fleet.

(d) Bimonthly Status Reports.—(1) The Secretary of Defense shall submit to the congressional defense committees a report every two months with respect to the test program under subsection (b). Each such report shall indicate whether the tests scheduled in the test plan to be carried out after the date of the submission of the preceding report under this subsection—

(A) have been carried out as scheduled and otherwise in accordance with the test plan; and

(B) whether, in the case of each such test, the test was successful, partially successful, or unsuccessful.

(2) The Secretary shall include in each such report an assessment of the capability of the B-1B aircraft to meet—

(A) performance objectives;

(B) technical and fiscal objectives; and

(C) significant test milestones.

(3) The first such bimonthly report shall be submitted February 1, 1990. The requirement for the submission of such reports shall cease to apply when the test program required by this section is completed.

(e) Independent Assessment by Outside Panel.—(1) Following completion of the test program under subsection (b)(1), the Secretary of Defense shall provide for an independent assessment of the capabilities of the B-1B aircraft to penetrate air defenses of the Soviet Union. The Secretary shall appoint a panel of experts from the private sector to conduct the assessment and shall provide the panel with such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(2) The panel—

(A) shall assess the air defense capabilities of the test aircraft referred to in subsection (c) after they have been modified with the B-1B avionics modifications; and

(B) on the basis of that assessment, shall determine what the air defense penetration capabilities of the entire fleet of such aircraft would be in all of its mission profiles if every aircraft in the fleet were so modified.

(3) The panel shall estimate the air defense penetration capabilities of the B-1B aircraft against the threats described—

(A) in the 1981 joint Office of the Secretary of Defense/Air Force Bomber Alternatives Study;

(B) in the 1936 Strategic Bomber Force Study; and

(C) in the most current threat baseline established by the intelligence community for estimated Soviet air defenses in the late 1990s.

(4) The Secretary of Defense shall ensure that individuals serving on the panel receive the full cooperation of all components of the Department of Defense in carrying out the functions of the panel under this section.

Reports.

(5) The Secretary shall submit to the congressional defense committees the report of the panel not more than 180 days after the conclusion of the test program referred to in subsection (b).

(f) FUNDING OF B-1B AVIONICS MODIFICATIONS.—(1) Subject to the limitation in paragraph (2), the Secretary may use expired or lapsed funds—

(A) to carry out the B-1B avionics modifications and the testing program established in subsections (b) and (c); and

(B) upon completion of such testing program, to carry out the B-1B avionics modifications on the remainder of the unmodified B-1B aircraft.

(2) The amount of expired or lapsed funds used for any purpose related to development, procurement, modification, or repair of B-1B aircraft (including such amounts of expired or lapsed funds as have been applied to the B-1B program before the enactment of this Act) may not exceed $527,100,000.

(3) The use of expired or lapsed funds for the purposes described in paragraph (1) is subject to section 2782 of title 10, United States Code (as added by section 1603 of this Act).

(4) Funds for the B-1B recovery program for purposes other than those stated in paragraph (1), or for such purposes but in excess of the limitation under paragraph (3), may be provided only by law through the authorization and appropriation process.

(5) For purposes of this subsection, the term "expired or lapsed funds" means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapsed.

(g) ACCESS BY GAO.—(1) The Secretary of Defense shall ensure that the General Accounting Office has full, direct, and timely access to the documentation relating to the recovery program (including test data and results).

(2) The Comptroller General of the United States shall actively monitor the recovery program and shall provide periodic reports to the congressional defense committees on the status and effectiveness of the program.

SEC. 122. ADVANCED CRUISE MISSILE PROGRAM

Funds appropriated or otherwise made available to the Air Force for fiscal year 1990 may not be obligated or expended for procurement of missiles under the Advanced Cruise Missile program until—

(1) there have been at least 10 successful developmental test flights of the Advanced Cruise Missile; and

(2) the Secretary of Defense certifies to the congressional defense committees that since June 1, 1989, a minimum of four flight tests of the Advanced Cruise Missile have been conducted and that, of those tests, the percentage which were successful is significantly greater than 50 percent.

SEC. 123. CAP ON NUMBER OF MX MISSILES THAT MAY BE DEPLOYED

The number of MX missiles deployed at any time may not exceed 50.

SEC. 124. REFERENCE TO LIMITATION ON OBLIGATION OF FUNDS FOR MX RAIL GARRISON PROGRAM

Limitations with respect to the obligation of funds for advance procurement of long-lead items and initial spare parts for the MX Rail Garrison program are set forth in section 231.

PART D—PROGRAM TERMINATIONS

SEC. 131. F-14 AIRCRAFT PROGRAM

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate new production of F-14 aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of F-14 aircraft.

(b) EXCEPTIONS.—(1) Subject to subsection (c), the prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, F-14 aircraft described in paragraph (2);

(B) completion of the new production aircraft described in paragraph (2)(B); and

(C) the obligation of not more than $1,175,336,000 from funds made available pursuant to section 102(a) for the procurement of not more than 18 new production F-14 aircraft and for payment of costs necessary to terminate the F-14 aircraft program.

(2) The F-14 aircraft referred to in paragraph (1)(A) are—

(A) F-14 aircraft acquired by the Navy on or before the date of enactment of this Act;

(B) F-14 new production aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Navy on or after that date; and

(C) eighteen F-14 new production aircraft for which funds are available pursuant to section 102(a).

(c) CONTRACT PROVISIONS.—(1) Funds appropriated or otherwise made available to the Department of Defense under this or any other Act may not be obligated for modification of, or the acquisition of spare or repair parts for, the F-14 aircraft until the Secretary of Defense certifies to the congressional defense committees that the

Navy and the prime contractor have entered into a contract that includes a specific prohibition on the use of any funds made available under the contract for new production of any aircraft other than new production aircraft referred to in subparagraph (B) or (C) of subsection (b)(2).

(2) Funds referred to in paragraph (1) may not be obligated for F-14 new production aircraft until the Secretary of Defense certifies to the congressional defense committees that the Navy and the prime contractor have entered into a contract that includes the following provisions:

(A) A provision for the termination of the F-14 program and a provision providing that all termination activities be completed according to a schedule specified in the contract.

(B) A specific prohibition on the use of funds made available under the contract for new production of any aircraft other than new production aircraft referred to in subparagraphs (B) and (C) of subsection (b)(2).

(C) A provision providing that each aspect of the F-14 new production aircraft program be terminated as soon as the Navy determines that continuation of that aspect of the program is no longer necessary for—

(i) completion of new production aircraft referred to in subparagraphs (B) and (C) of subsection (b)(2); or

(ii) modification of, or production of spare or repair parts for, the F-14 aircraft.

(D) A provision providing that the termination schedule specifically require the prime contractor to disassemble, transfer to the United States, or otherwise dispose of all special tooling, test equipment, and technical data of the prime contractor and subcontractors relating to the F-14 aircraft, except for such items as are determined by the Navy to be necessary for the modification or operation and maintenance of F-14 aircraft referred to in subsection (b).

(E) A provision providing that all termination activities are to be completed not later than the date of delivery to the Navy of the last new production aircraft referred to in subsection (b)(1)(C).

SEC. 132. AH-64 HELICOPTER PROGRAM

(a) In General.—(1) The Secretary of Defense shall terminate new production of AH-64 aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of AH-64 aircraft.

(b) Exceptions.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, AH-64 aircraft described in paragraph (2);

(B) completion of the new production aircraft described in paragraph (2)(B); and

(C) the obligation of not more than $1,487,527,000 from funds made available for fiscal years 1990 and 1991 for not more than 132 new production AH-64 aircraft and for payment of costs necessary to terminate the AH-64 aircraft program.

(2) The AH-64 aircraft referred to in paragraph (1)(A) are—

(A) AH-64 aircraft acquired by the Army on or before the date of enactment of this Act;

(B) AH-64 new production aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and

(C) 132 new production AH-64 aircraft for which funds are available in accordance with subsection (b)(1)(C).

SEC. 133. AHIP SCOUT AIRCRAFT PROGRAM

(a) In General.—(1) The Secretary of Defense shall terminate the AHIP Scout aircraft program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of AHIP Scout aircraft (OH-58 aircraft modified into the configuration specified in the Army Helicopter Improvement Program described in the Selected Acquisition Report, dated December 31, 1988, relating to the OH-58 helicopter).

(b) Exceptions.—(1) Subject to subsection (c), the prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, AHIP Scout aircraft described in paragraph (2);

(B) completion of the installation of AHIP modification kits in the AHIP Scout aircraft described in paragraph (2)(B); and

(C) the obligation of not more than $195,000,000 from funds made available pursuant to section 101(a) for the procurement and installation of AHIP modification kits in not more than 36 AHIP Scout aircraft and for payment of costs necessary to terminate the AHIP Scout aircraft program.

(2) The AHIP Scout aircraft referred to in paragraph (1)(A) are—

(A) AHIP Scout aircraft acquired by the Army on or before the date of enactment of this Act;

(B) AHIP Scout aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and

(C) 36 AHIP Scout aircraft for which funds are available in accordance with subsection (b)(1)(C).

SEC. 134. F-15E AIRCRAFT PROGRAM

(a) In General.—(1) The Secretary of Defense shall terminate new production of F-15E aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of F-15E aircraft.

(b) Exceptions.—(1) The prohibition in subsection (a) does not apply to the obligation of funds for—

(A) the completion of, the modification of, or the acquisition of spare or repair parts for, F-15E aircraft described in paragraph (2); or

(B) the payment of costs necessary to terminate the F-15E aircraft program.

(2) The F-15E aircraft referred to in paragraph (1)(A) are F-15E aircraft—

(A) that are acquired by the Air Force before October 1, 1991; or

(B) for which funds have been obligated for procurement before October 1, 1991, other than for the procurement of long lead items and other advance procurement.

SEC. 135. M88A2 RECOVERY VEHICLE PROGRAM

(a) IN GENERAL.—(1) The Secretary of Defense shall terminate new production of M88A2 recovery vehicles in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of M88A2 recovery vehicles.

(b) EXCEPTIONS.—(1) The prohibition in subsection (a) does not apply to the obligation of funds for—

(A) the completion of, the modification of, or the acquisition of spare or repair parts for, M88A2 recovery vehicles described in paragraph (2); or

(B) the payment of costs necessary to terminate the M88A2 recovery vehicle program.

(2) The M88A2 recovery vehicles referred to in paragraph (1)(A) are M88A2 recovery vehicles—

(A) that were acquired by the Army before the date of enactment of this Act; or

(B) for which funds have been obligated for procurement before the date of the enactment of this Act, other than for the procurement of long lead items and other advance procurement.

SEC. 136. RECONNAISSANCE AIRCRAFT PROGRAMS

The Secretary of Defense shall terminate the SR-71 reconnaissance aircraft program and the classified airborne reconnaissance program as discussed in the classified annex to the joint statement of managers to accompany the conference report on H.R. 2461 of the One Hundred First Congress.

SEC. 137. STATUTORY CONSTRUCTION

A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding any provision of any of sections 131 through 136 unless that provision specifically refers to such section and specifically states that such provision of law modifies or supersedes such section.

PART E—ARMY PROGRAMS

SEC. 141. M-1 TANK PROGRAM

(a) DETROIT ARMY TANK PLANT.—None of the funds appropriated for the Army for fiscal year 1990 may be obligated to begin the inactivation or deactivation of the Detroit Army Tank Plant.

Reports.

(b) BLOCK II MODIFICATION PROGRAM.—Funds appropriated for the Army for fiscal year 1990 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until the Secretary of the Army submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the program as described in subsection (c).

(c) REPORT ON BLOCK II PROGRAM.—A report under subsection (b) shall—

(1) identify the total funding requirements for the Block II program;

(2) assess the proposed modifications under the program in terms of the results of the live-fire testing;

(3) describe operational implications of the weight increase for the M-1 tank under the proposed modifications;

(4) identify decisions in the program that have an effect on the next generation tank; and

(5) evaluate the overall cost effectiveness of the Block II modification program.

SEC. 142. RESTRICTION ON FISCAL YEAR 1989 FUNDS FOR REFUELERS/TANKERS

Of the funds appropriated or otherwise made available to the Army for fiscal year 1989, not more than $29,000,000 may be available for purposes of procuring and installing 480 tanker/refueler kits on pallets for use by heavy trucks configured with the palletized loading system.

SEC. 143. ARMY RECOVERY VEHICLE PROGRAM

(a) TESTING.—The Secretary of the Army—

(1) shall complete the technical and operational testing of the Army Improved Recovery Vehicle; and

(2) shall study all potential modifications to the existing chassis for the M-88 vehicle to perform the mission for the Improved Recovery Vehicle.

(b) CONDITIONS ON PRODUCTION DECISION.—The Secretary of the Army may not make a decision to enter into production during fiscal year 1990 or 1991 for a recovery vehicle for the Army until each of the following occurs:

(1) Operational testing of the vehicle to be produced is completed.

(2) The Director of Operational Test and Evaluation certifies to the Secretary of the Army that the vehicle meets performance requirements of the Army.

(3) The Secretary of the Army completes—

(A) an analysis of the cost-effectiveness of the vehicle that supports the proposed production decision; and

(B) an analysis of the cost-effectiveness of a service life extension program for the existing recovery vehicle.

SEC. 144. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

SEC. 145. LIMITATION ON MODIFICATIONS OF CERTAIN SPECIAL OPERATIONS FORCES AIRCRAFT

(a) LIMITATION.—Funds appropriated for fiscal year 1990 for procurement of aircraft for the Army may not be obligated or expended for modifications for MH-60K and MH-47 helicopters until the Secretary of the Army certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required for such aircraft to meet established contract specifications and overall system performance requirements will not be borne by the Government.

Reports.

(b) WAIVER.—(1) If the Secretary is unable to make the certification described in subsection (a), the Secretary shall submit to the congressional defense committees a report on the nature and extent of any prospective Government risk with respect to the costs of modifications, corrections, and deficiencies referred to in that subsection. In the report, the Secretary—

(A) shall set forth the type and degree of risk with respect to the affected major subsystem of each of the two aircraft; and

(B) shall specify the contractual agreements for any such areas of risk by affected major subsystem for each aircraft.

(2) Upon the receipt of a report under paragraph (1), the limitation in subsection (a) shall cease to apply.

SEC. 146. LIMITATION ON ACCEPTANCE OF DELIVERY OF STINGER MISSILES

The Secretary of the Army may not accept delivery of Stinger missiles that do not conform to all existing performance requirements unless the Secretary certifies in writing to the congressional defense committees that the contractor is contractually responsible to modify or retrofit delivered missiles in order to meet all performance specifications existing as of the time of delivery at no cost to the Government.

SEC. 147. M109 HOWITZER IMPROVEMENT PROGRAM

The Secretary of the Army may not obligate fiscal year 1990 funds for the M109 Howitzer Improvement Program until—

(1) the Secretary certifies to the congressional defense committees that the Army Acquisition Executive has approved the baseline acquisition program for the Howitzer Improvement Program that is consistent with the current five-year defense program;

Reports.

(2) the Secretary submits that baseline report to Congress; and

Reports.

(3) the Secretary submits to the committees a report on a design for a follow-on operational test of the howitzer and the degree to which the operational and organizational concept for the howitzer will be validated by that test.

SEC. 148. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT

Funds appropriated for procurement of aircraft for the Army for fiscal year 1990 may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

PART F—NAVY PROGRAMS

SEC. 151. LIMITATION ON PROCUREMENT OF V-22 OSPREY AIRCRAFT

(a) PROHIBITION.—None of the funds appropriated for fiscal year 1990 or otherwise made available to the Department of Defense for fiscal year 1990 pursuant to this Act or any Act enacted after this Act may be obligated for procurement of V-22 aircraft.

(b) STATUTORY CONSTRUCTION.—A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding any provision of this section unless that provision specifically refers to such section and specifically states that such provision of law modifies or supersedes such section.

SEC. 152. PRESERVATION OF DUAL-SOURCE PRODUCTION BASE FOR STANDARD MISSILE II

The Secretary of the Navy shall carry out the fiscal year 1990 acquisition for the Standard Missile II so as to preserve the existing dual-source production base for that missile.

SEC. 153. ANNUAL REPORT ON NAVY AIRCRAFT REQUIREMENTS

(a) ANNUAL REPORT REQUIREMENT.—(1) Chapter 635 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7345. Navy aircraft requirements: annual report

"(a) Not later than September 1 of each year, the Secretary of the Navy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report addressing the current and projected aircraft requirements of the Navy and the plans of the Navy for aircraft acquisition and modernization.

"(b) Each such report shall cover at least the next 10 years and shall specify the following:

"(1) The number of aircraft, by type, required to fully equip the current and projected force structure of the Navy and the Marine Corps.

"(2) The current and projected inventory of each type of aircraft.

"(3) The current average age of (A) all Navy and Marine Corps aircraft, (B) all Navy and Marine Corps combat aircraft, and (C) all carrier-based combat aircraft.

"(4) A list of planned and programmed aircraft acquisition programs and major aircraft modernization programs, specifying (A) the approximate numbers of aircraft involved in each program, (B) the estimated fiscal year in which each program will begin and end, and (C) the estimated total cost for each program.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7345. Navy aircraft requirements: annual report.".

(b) INITIAL REPORT.—Not later than February 1, 1990, the Secretary of the Navy shall submit to the congressional defense committees a report containing the information specified in section 7345 of title 10, United States Code, as added by subsection (a).

10 USC 7345 note.

SEC. 154. FAST SEALIFT SHIP PROGRAM

(a) PROGRAM.—The Secretary of Defense is authorized to establish a fast sealift ship program.

(b) REPORT.—The Secretary of the Navy may not obligate funds for procurement of ships for the fast sealift ship program until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the design characteristics for those ships. The report shall describe in detail the multimission capability of the ships and shall specify the operational concept for the use of those ships in contingencies requiring sealift and in routine fleet operations.

SEC. 155. TRANSFER OF A-6 AIRCRAFT TO THE NAVY

The Secretary of the Navy shall transfer all Marine Corps A-6 Intruder aircraft from the Marine Corps to the Navy not later than September 30, 1994.

SEC. 156. REPORT REGARDING TRIDENT SUBMARINE CONSTRUCTION RATE

(a) Report Requirement.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report, in both a classified and unclassified version, evaluating the practicality and desirability of reducing the rate at which Trident submarines are procured.

(b) Preparation and Content.—In preparing the report required by subsection (a), the Secretary shall consider alternative construction rates for the Trident submarine, each of which shall provide for a construction rate slower than one ship per year. The Secretary shall include in the report with respect to each such alternative rate—

(1) an evaluation of the effect of the alternative rate on—

(A) the availability and capability of the Trident submarine to perform the mission assigned to it; and

(B) the level and stability of the work force in the naval shipbuilding industry; and

(2) a discussion of the practicality and desirability of accelerating the procurement of other vessels for the Navy with funds saved by using the alternative rate.

(c) Time for Submission.—The report required by subsection (a) shall be submitted concurrently with the submission of the budget for fiscal year 1991 to Congress pursuant to section 1105 of title 31, United States Code.

Part G—Nonstrategic Air Force Programs

SEC. 161. MC-130H (COMBAT TALON) AIRCRAFT PROGRAM

(a) Required Certification.—Funds appropriated pursuant to this Act may not be obligated for the payment of an award fee and the procurement of contractor-furnished equipment for the MC-130H Combat Talon aircraft until the Director of Operational Test and Evaluation determines (and certifies under subsection (c)) that the results of qualification test and evaluation and of qualification operational test and evaluation demonstrate that such aircraft is capable of performing terrain following/terrain avoidance flight profiles as prescribed in the approved test and evaluation master plan for the Combat Talon II program dated September 1988.

(b) Limitation on Production Option for Avionics Integration.—If the certification under subsection (a) is made after April 30, 1990, the Secretary of the Air Force may not incur any costs to the Government when the Secretary executes the production option for avionics integration for the MC-130H program for fiscal year 1990 in excess of the costs that the Secretary would have incurred for such purpose in April 1990.

(c) SUBMISSION OF CERTIFICATION.—A certification under subsection (a) shall be submitted in writing to the congressional defense committees.

SEC. 162. AC-130U GUNSHIP PROGRAM

No funds may be obligated after the date of the enactment of this Act for procurement of AC-130U Gunship aircraft until the Secretary of the Air Force certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunship aircraft procured using funds appropriated for the Department of Defense for fiscal year 1988 or fiscal year 1989 will be borne by the prime contractor or an appropriate subcontractor.

SEC. 163. AMRAAM MISSILE PROGRAM

(a) LIMITATION ON FUNDING.—No funds may be obligated to undertake full-rate production of the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) certifies to the congressional defense committees that—

(1) all required testing for making the decision to proceed to full-rate production (as prescribed pursuant to the June 16, 1987 Department of Defense-approved AMRAAM Test and Evaluation Master Plan) has been conducted; and

(2) the results of that testing demonstrate that (A) the AMRAAM missile has met all established performance requirements, and (B) stable missile production design and configuration (including its software) have been established.

(b) FULL-RATE PRODUCTION DEFINED.—For purposes of subsection (a), full-rate production of the AMRAAM missile is production of that missile at a rate that exceeds 900 production-configured missiles per year.

(c) PRESERVATION OF PRODUCTION CAPABILITY OF OTHER MISSILES.—During the period beginning on the date of the enactment of this Act and ending on the date on which the certification required by subsection (a) is made, the Secretary of Defense shall ensure that production capability for the AIM-7F/M Sparrow and the AIM-9L/M Sidewinder missiles is maintained.

SEC. 164. OVER-THE-HORIZON BACKSCATTER RADAR

(a) REQUIREMENTS.—None of the funds appropriated or otherwise made available to the Air Force for fiscal year 1990 may be obligated for acquisition of land for the Central System of the Over-the-Horizon Backscatter (OTH-B) radar program.

(b) ALASKAN SYSTEM.—(1) With respect to acquisition of that portion of the OTH-B radar program known as the Alaskan System, the Secretary of the Air Force—

(A) shall enter into a type of contract known as a "fixed-price incentive (firm target) contract" or a "fixed-price incentive (successive target) contract" (or a similar type of contract that encourages maximum cost reduction) for the first sector of the system with funds appropriated for fiscal years 1989 and 1990; and

(B) shall include in that contract a priced option for the second sector of such system.

(2) The total value of the ceiling price of that contract for the first and second sectors of that system may not exceed $530,000,000.

(3) The contract entered into pursuant to paragraph (1) shall provide for all of the prime-mission equipment, software, construction, site activation activities, and required system capabilities for that system.

(c) REPORT BY THE SECRETARY OF DEFENSE.—No funds may be obligated for the Alaskan System referred to in subsection (b) until the Secretary of Defense submits to the congressional defense committees a report on the results of development test and evaluation of the East Coast System, including the results of integrated three-sector tests.

(d) REPORT BY DIRECTOR OF OT&E.—The Director of Operational Test and Evaluation of the Department of Defense shall submit to the congressional defense committees a report certifying whether the test results of the integrated initial operational evaluation conducted with the three East Coast System sectors of the OTH-B radar system demonstrate that the East Coast System sectors meet all contract requirements and performance specifications relevant to operational test and evaluation, including any specifications for the system relating to small target detection capability. The report shall be submitted not later than September 1, 1990.

Communications and telecommunications.

SEC. 165. MILSTAR PROGRAM

(a) INFORMATION TO BE SUBMITTED TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the following with respect to the Military Satellite and Terminal Relay (MILSTAR) system:

Reports.

(1) A Selected Acquisition Report on the total program.

(2) A comprehensive master plan for the MILSTAR program setting forth—

(A) the MILSTAR program requirements;

(B) the Department of Defense acquisition strategy for the program; and

(C) Department of Defense plans relating to program execution, program schedule, program management, and program architecture.

(3) An analysis of the feasibility of establishing a cost sharing plan among all potential users of the MILSTAR system.

(b) LIMITATION ON PROCEEDING WITH PROGRAM.—(1) Funds appropriated or otherwise available to the Department of Defense may not be obligated for the MILSTAR program after April 1, 1990, unless the Secretary of Defense certifies to the congressional defense committees that the Department of Defense has complied with all conditions for the MILSTAR program specified in the classified annex to the joint statement of managers accompanying the conference report on the bill H.R. 2461 of the Hundred First Congress.

(2) Until the congressional defense committees receive all of the matters referred to in subsection (a), the Secretary of Defense may not obligate more than 75 percent of the funds appropriated pursuant to this Act for the MILSTAR program (other than for satellite communications ship terminals, satellite communications shore terminals, and extremely high frequency satellite communications).

SEC. 166. LIMITATION ON FUNDS FOR PROCUREMENT OF F-16 AIRCRAFT PENDING APPROVAL OF CERTAIN PLANS RESPECTING AIR-LAND FIRE SUPPORT FOR GROUND COMBAT FORCES

(a) LIMITATION ON EXPENDITURES FOR F-16 AIRCRAFT.—If by April 1, 1990, the Secretary of Defense does not submit to the congresssional defense committees a report in writing containing a certification described in subsection (b), then after that date funds appropriated pursuant to this Act may not be expended for the procurement of F-16 aircraft until such a report is submitted to those committees. Reports.

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification by the Secretary of Defense of both of the following:

(1) That the Director of Operational Test and Evaluation of the Department of Defense—

(A) has approved a test plan for the evaluation of systems for providing air-land fire support for ground combat forces systems that is sufficiently flexible to allow for evaluation of any current system and any feasible future system for such purpose; and

(B) has approved a test plan for the evaluation of both the upgrade program proposed for the F-16 aircraft and the upgrade program proposed for the A-10 aircraft for close air support (including night time operations).

(2) That any fixed-wing aircraft operated after July 1, 1990, at the National Training Center at Fort Irwin, California, will be fully integrated into the range instrumentation system to the same extent as attack helicopters. California.

PART H—CHEMICAL MUNITIONS

SEC. 171. RESTRICTION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF BINARY CHEMICAL MUNITIONS

(a) 155-MILLIMETER BINARY CHEMICAL MUNITIONS.—None of the funds appropriated or otherwise made available for fiscal year 1990 for procurement of ammunition for the Army may be used for production of 155-millimeter binary chemical munition M687 projectiles until—

(1) the Secretary of the Army submits to the congressional defense committees a certification described in subsection (b); and

(2) a period of two weeks elapses after the date on which such certification is received.

(b) REQUIRED CERTIFICATION.—A certification by the Secretary of the Army under subsection (a) must state—

(1) that, based on deliveries of M20 plastic, M20 steel, and M21 components of the M687 projectile accepted by the Government from the incumbent contractor—

(A) the incumbent contractor has demonstrated monthly delivery rates of those components sufficient to eliminate before October 1, 1990, the production backlog of all those components for the M687 rounds authorized for production for fiscal years 1986, 1987, and 1988;

(B) the components and rounds for which delivery has been accepted conform to the contract specifications at the time that the Government entered into the contract; and

(C) the incumbent contractor has sustained those monthly delivery rates for such components for a period of not less than three consecutive months; and

Arkansas.

(2) that the new production lines at Pine Bluff Arsenal, Arkansas, for the production of chemicals for the M687 projectile have been proven out and the Secretary of the Army has formally accepted the facility housing those production lines.

(c) MONTHLY GAO REPORTS.—Not later than February 1, 1990, and not later than the first day of each month thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report on the previous month's production rate for the M20 plastic, M20 steel, and M21 components of the M687 projectile and on the status of the production backlog for fiscal years 1986, 1987, and 1988 for those components. The Comptroller General shall continue submitting such reports until he certifies to those committees either that the production backlog for those components has been eliminated or that production of the components has been terminated.

Reports.

(d) FINAL GAO CERTIFICATION.—Not later than two weeks after a certification is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of whether the monthly delivery rates referred to in subsection (b)(1) demonstrate that there are reasonable grounds to believe that the incumbent contractor will continue to deliver at those monthly rates in order to eliminate the backlog of deliveries by October 1, 1990.

(e) EXCEPTION FOR CERTAIN LONG-LEAD MATERIALS.—The limitation in subsection (a) shall not apply with respect to the obligation of funds (not in excess of $2,000,000) for long-term lead materials to support procurement of plastics for cannister production for the M687 projectile.

SEC. 172. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM

(a) LIMITATIONS ON RETROGRADE PROGRAM.—The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:

(1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification—

(A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and

(B) that the plan for such retrograde program is based on—

(i) minimum technical risk;

(ii) minimum operational risk; and

(iii) maximum safety to the public.

(2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of—

(A) the full budgetary effect of the retrograde program; and

(B) the potential effect of the retrograde program on the chemical demilitarization program.

(b) LIMITATION ON TRANSFER OF FUNDS.—The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 173. CHEMICAL DEMILITARIZATION CRYOFRACTURE PROGRAM

Utah.

(a) PROGRAM.—The Secretary of Defense, to the extent funds are available for the purpose, shall proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tooele Army Depot, Utah.

(b) USE OF FISCAL YEAR 1989 FUNDS.—Of the amount authorized and appropriated for fiscal year 1989 for the chemical demilitarization program, $16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Science and technology.

PART A—AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,666,210,000.
(2) For the Navy, $9,901,897,000.
(3) For the Air Force, $13,938,679,000.
(4) For the Defense Agencies, $8,436,986,000, of which—
  (A) $211,200,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
  (B) $67,085,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,791,042,000.
(2) For the Navy, $8,414,683,000.
(3) For the Air Force, $11,305,240,000.
(4) For the Defense Agencies, $4,264,161,000, of which—
  (A) $150,734,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
  (B) $25,834,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNTS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT FOR FISCAL YEARS 1990 AND 1991

(a) FISCAL YEAR 1990.—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, $3,510,196,000 shall be available for basic research and exploratory development projects.

(b) FISCAL YEAR 1991.—Of the amounts appropriated pursuant to section 201 for fiscal year 1991, $3,770,000,000, shall be available for basic research and exploratory development projects.

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(c) Basic Research and Exploratory Development Defined.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT

Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, amounts shall be available to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

For the Army, $18,000,000.

For the Marine Corps, $12,000,000.

Part B—Program Requirements, Restrictions, and Limitations

SEC. 211. BALANCED TECHNOLOGY INITIATIVE

(a) Amounts Authorized.—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, $238,082,000 shall be available for research and development under the Balanced Technology Initiative program.

(b) Determination of Source of Funds.—The Secretary of Defense shall determine the amount of funds appropriated to the Army, Navy, Air Force, and Defense Agencies pursuant to section 201 for fiscal year 1990 that are to be allocated for the Balanced Technology Initiative.

(c) Prohibition Regarding Undistributed Reductions.—No portion of any undistributed reduction (under this Act or any other Act) may be applied against the funds specified in subsection (a) or against any funds made available for the Balanced Technology Initiative for fiscal year 1990 that are in addition to the amount specified in subsection (a).

(d) Prohibition on Use of Funds for SDI.—None of the funds made available for the Balanced Technology Initiative by subsection (a) may be used in connection with any program, project, or activity in support of the Strategic Defense Initiative.

(e) Annual Report.—Not later than March 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the Balanced Technology Initiative and related matters. Each such report shall include the following:

(1) A current assessment of the extent to which advanced technologies can be used to exploit potential vulnerabilities of hostile threats to the national security of the United States.

(2) Identification of each program, project, and activity being pursued under the Balanced Technology Initiative and, with respect to each such program, project, and activity, the amount made available pursuant to this section and the source of such amount.

(3) For each program, project, and activity for which funds are made available pursuant to this section, a five-year funding plan that (A) provides for the allocation of sufficient resources to maintain adequate progress in research and development under such program, project, or activity, and (B) specifies the major programmatic and technical milestones and the schedule for achieving those milestones.

(4) The status of each program, project, and activity being pursued under the Balanced Technology Initiative.

(5) Identification of other on-going or potential research and development programs, projects, and activities not currently provided for under this section that should be considered for inclusion under the Balanced Technology Initiative in order to improve conventional defense capabilities.

(6) Identification of the most critical technologies for the successful development of existing or potential Balanced Technology Initiative programs, projects, and activities and an assessment of the current status of those technologies.

SEC. 212. INTEGRATED ELECTRIC DRIVE PROGRAM

(a) INTEGRATED ELECTRIC DRIVE PROGRAM.—The Secretary of the Navy is authorized to establish an Integrated Electric Drive program by merging the Ship Propulsion System program and the Shipboard System Component program with the Electric Drive program for the purpose of providing Integrated Electric Drive propulsion in the DDG-51 guided missile destroyer program.

(b) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, $36,064,000 shall be available for the Integrated Electric Drive program.

SEC. 213. FAST SEALIFT TECHNOLOGY DEVELOPMENT PROGRAM

(a) NEW PROGRAM.—The Secretary of the Navy is authorized to establish a Fast Sealift Technology Development program for the purposes of completing, within 24 months after the date of the enactment of this Act, the technology development program described in the January 1989 report of the Secretary to Congress entitled "Fast Sealift Program Technology Assessment Report".

(b) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, $15,000,000 shall be available for the Fast Sealift Technology Development program.

SEC. 214. TACTICAL OCEANOGRAPHY PROGRAM

(a) NEW PROGRAM.—The Secretary of the Navy is authorized to establish a Tactical Oceanography program to accelerate uses of scientific measurement and data collection devices and processes for the purpose of rapid tactical applications.

(b) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, $3,000,000 shall be available for the Tactical Oceanography program.

SEC. 215. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM

Of the amount authorized to be appropriated pursuant to section 201(a) for fiscal year 1990 for Defense Agencies, $100,000,000 shall be available to make grants under section 272 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 15 U.S.C. 4602).

SEC. 216. ARMY HEAVY FORCE MODERNIZATION PROGRAM

(a) FUNDING.—Of the amount authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, $58,000,000 shall be available to the Secretary of the Army for competitive development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for the Heavy Force Modernization program of the Army.

(b) Limitation on Use of Funding.—No funds may be obligated for such competitive development until—

(1) the Milestone I decision to proceed with demonstration and validation for the Heavy Force Modernization program is made by the appropriate official of the Department of Defense (upon consideration of the recommendation of the Defense Acquisition Board for that program) and such decision includes proceeding with development of Advanced Technology Transition Demonstrators for the common chassis for that program; and

Reports.

(2) after such decision, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (c).

(c) Report.—The report referred to in subsection (b)(2) is a report by the Secretary of Defense containing the following:

(1) A description of the decisions referred to in subsection (b)(1), including a description of the demonstration and validation program approved.

(2) An updated Interagency Intelligence Memorandum providing current estimates (prepared within the 12 months preceding the date of the report) for production, and for operational capabilities, of future tanks of the Soviet Union.

(3) Detailed cost estimates and schedules for research, development, test, and evaluation, and for procurement, for all programs expected to use the common chassis to be selected pursuant to the competitive development under subsection (a) and explanations for the order in which those programs are to proceed through research, development, test, and evaluation and procurement.

(4) A description of the criteria to be used by the Secretary of Defense in determining whether—

(A) to proceed with a new tank program (for replacement of the M1 tank) using the common chassis to be selected pursuant to the competitive development under subsection (a); or

(B) to produce an M1A3 tank.

(5) The results of the review conducted under subsection (d).

(d) Review of Engine Acquisition Plan.—(1) The Secretary of Defense, acting through an appropriate official of the Office of the Secretary of Defense designated by the Secretary, shall conduct a detailed review of the acquisition plan of the Department of the Army for the engine to be acquired for the common chassis to be selected pursuant to the competitive development under subsection (a).

(2) The review of such plan shall include a review of—

(A) the Transverse Mounted Engine Propulsion System;

(B) the Advanced Integrated Propulsion System; and

(C) derivatives of commercially developed engine systems.

(3) The review should determine—

(A) whether the schedule for development of the Advanced Technology Transition Demonstrator for the common chassis is consistent with the availability of engines; and

(B) whether such acquisition plan provides for the maximum competition between all alternatives.

SEC. 217. JOINT RESEARCH PROJECT ON MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM

Of the amounts appropriated pursuant to section 201 for fiscal year 1990, $250,000 may be used for the joint research project of the Department of the Army and the Department of Energy on magnetoencephalography (MEG) and neuromagnetism.

SEC. 218. V-22 OSPREY AIRCRAFT PROGRAM

Of the amount appropriated pursuant to section 201(a) or otherwise made available to the Navy for fiscal year 1990, not more than $255,000,000 may be obligated for research, development, test, and evaluation in connection with the V-22 aircraft program.

SEC. 219. BIODEGRADABLE MATERIALS RESEARCH

Of the amount appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than $100,000 may be obligated for the purpose of continuing the research into the potential use of biodegradable materials in ration packaging designs. The Army Natick Research, Development, and Engineering Center shall be the responsible agency for such research.

PART C—STRATEGIC DEFENSE INITIATIVE

SEC. 221. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1990

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 201 for fiscal year 1990 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than $3,573,202,000 may be obligated for the Strategic Defense Initiative.

(b) MANAGEMENT HEADQUARTERS SUPPORT.—Of the amount available for the Strategic Defense Initiative pursuant to subsection (a), not more than $23,000,000 shall be available for Management Headquarters Support.

(c) FUNDS FOR SUPPORT OF MEDICAL FREE ELECTRON LASER PROGRAM.—Of the amounts appropriated for fiscal years 1990 and 1991 that are available for the Strategic Defense Initiative, not more than $20,000,000 of that amount for each such year may be used to support the medical free electron laser program.

SEC. 222. REPORT ON ALLOCATION OF FISCAL YEAR 1990 SDI FUNDING

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1990. The report shall specify the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1990.

SEC. 223. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) USE OF FUNDS.—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990, or any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

(2) Funds described in paragraph (1) may not be obligated or expended—

(A) for the development or testing of any antiballistic missile system or component, except for development and testing consistent with the development and testing described in the 1989 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the 1989 SDIO Report.

(3) The limitation in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 1601 of this Act.

(b) DEFINITION.—As used in this section, the term "1989 SDIO Report" means the report entitled, "1989 Report to Congress on the Strategic Defense Initiative," dated January 19, 1989, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1059; 10 U.S.C. 2431 note).

SEC. 224. REQUIREMENT FOR ANNUAL REPORT ON SDI PROGRAMS

10 USC 2431 note.

(a) REPORT REQUIRED.—Not later than March 15 of each year, the Secretary of Defense shall transmit to Congress a report (in both unclassified and classified form) on the programs and projects that constitute the Strategic Defense Initiative and on any other program or project relating to defense against ballistic missiles.

(b) CONTENT OF REPORT.—Each such report shall include the following:

(1) A statement of the basic strategy for research and development being pursued by the Department of Defense under the Strategic Defense Initiative (SDI), including the relative priority being given, respectively, to the development of near-term deployment options and research on longer-term technological approaches.

(2) A detailed description of each program or project which is included in the Strategic Defense Initiative or which otherwise relates to defense against strategic ballistic missiles, including a technical evaluation of each such program or project and an assessment as to when each can be brought to the stage of full-scale engineering development (assuming funding as requested or programmed).

(3) A clear definition of the objectives of each planned deployment phase of the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) An explanation of the relationship between each such phase and each program and project associated with the proposed architecture for that phase.

(5) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(6) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the 1972 Anti-Ballistic Missile Treaty.

(7) A review of possible countermeasures of the Soviet Union to specific SDI programs, an estimate of the time and cost required for the Soviet Union to develop each such countermeasure, and an evaluation of the adequacy of the SDI programs described in the report to respond to such countermeasures.

(8) Details regarding funding of programs and projects for the Strategic Defense Initiative (including the amounts authorized, appropriated, and made available for obligation after undistributed reductions or other offsetting reductions were carried out), as follows:

(A) The level of requested and appropriated funding provided for the current fiscal year for each program and project in the Strategic Defense Initiative budgetary presentation materials provided to Congress.

(B) The aggregate amount of funding provided for previous fiscal years (including the current fiscal year) for each such program and project.

(C) The amount requested to be appropriated for each such program and project for the next fiscal year.

(D) The amount programmed to be requested for each such program and project for the following fiscal year.

(E) The amount required to reach the next significant milestone for each demonstration program and each major technology program.

(9) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include the following:

(A) Defending elements of the Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate shorter-range ballistic missiles of the Soviet Union armed with conventional, chemical, or nuclear warheads.

(B) Defending against an accidental launch of strategic ballistic missiles against the United States.

(C) Defending against a limited but militarily effective attack by the Soviet Union aimed at disrupting the National Command Authority or other valuable military assets.

(D) Providing sufficient warning and tracking information to defend or effectively evade possible attacks by the Soviet Union against military satellites, including those in high orbits.

(E) Providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of United States military forces in defense against possible conventional or strategic attacks by the Soviet Union.

(F) Providing protection of the United States population from a nuclear attack by the Soviet Union.

(G) Any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(10) For each of the near-term military missions listed in paragraph (9), the report shall include the following:

(A) A list of specific program elements of the Strategic Defense Initiative that are pertinent to such mission.

(B) The Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish such missions.

(C) The Secretary's estimate of the level of funding necessary for each program to reach those initial operating capability dates.

(D) The Secretary's estimate of the survivability and cost effectiveness at the margin of such architectures or systems against current and projected threats from the Soviet Union.

PART D—STRATEGIC PROGRAMS

SEC. 231. FUNDING AND LIMITATIONS FOR ICBM MODERNIZATION PROGRAM

(a) OVERALL OBLIGATIONAL LIMITATION.—Of the amounts appropriated for the Department of Defense for fiscal year 1990 pursuant to this Act, not more than $1,131,700,000 may be obligated for the activities described in subsection (b) for the intercontinental ballistic missile (ICBM) modernization program.

Railroads.

(b) COVERED ICBM MODERNIZATION ACTIVITIES.—The activities referred to in subsection (a) are the following:

(1) Research, development, test, and evaluation in connection with the MX Rail Garrison program and the Small ICBM program.

(2) Advance procurement of long-lead items for the MX Rail Garrison program.

(3) Advance procurement of initial spare parts for the MX Rail Garrison program.

(4) Procurement of operational Mark 21 reentry systems.

Wyoming.

(5) Military construction at F. E. Warren Air Force Base, Wyoming, in connection with the MX Rail Garrison program.

(c) MAXIMUM AMOUNTS THAT MAY BE OBLIGATED FOR MODERNIZATION ACTIVITIES.—The maximum amount that may be obligated for each activity described in subsection (b) from amounts appropriated for the Department of Defense for fiscal year 1990 pursuant to this Act is as follows:

(1) For the activity described in subsection (b)(1), a total of $874,244,000.

(2) For the activity described in subsection (b)(2), $163,607,000.

(3) For the activity described in subsection (b)(3), $58,999,000.

(4) For the activity described in subsection (b)(4), $80,000,000.

(5) For the activity described in subsection (b)(5), $104,850,000.

(d) TRANSFER AUTHORITY; LIMITATION.—(1) The Secretary of Defense may transfer funds made available for fiscal year 1990 for any activity referred to in subsection (b) to any other activity referred to in that subsection, except that in no case may the total amount obligated from fiscal year 1990 defense funds for that activity exceed the amount specified for that activity in subsection (c).

(2) An amount transferred pursuant to this subsection may be used only in connection with the activity to which transferred and shall be merged with other funds made available for that activity for fiscal year 1990.

(3) An amount transferred pursuant to this subsection shall not be counted against the maximum amount authorized to be transferred pursuant to this Act under section 1601(a).

(e) USE OF UNOBLIGATED FY 1989 FUNDS.—The Secretary of the Air Force shall use $100,000,000 of amounts appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1989 that remain available for obligation to carry out research, development, test, and evaluation in connection with the Small ICBM program.

(f) REPORT TO CONGRESS.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report specifying the amounts allocated to each activity referred to in subsection (b) and an explanation of any transfer of funds made pursuant to subsection (d). In the case of any such transfer of funds, the report shall include an identification of the activity or activities from which the funds are transferred and the activity or activities to which the funds are transferred.

SEC. 232. FUNDING FOR SECURITY IMPROVEMENTS AT THE KWAJALEIN TEST RANGE

The Secretary of Defense shall transfer to the Army $7,500,000 from funds available for research, development, test and evaluation for the Armed Forces for fiscal year 1990. Funds so transferred shall be available for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. Funds made available for such purpose shall be in addition to any funds otherwise made available for the United States Army Kwajalein Atoll Command.

SEC. 233. TITAN IV WEST COAST LAUNCH PAD

(a) PROHIBITION ON OBLIGATION OF FUNDS FOR SLC-7 FACILITY.—Funds appropriated or otherwise made available for the Air Force for fiscal year 1990 may not be obligated or expended in connection with the launch facility at Vandenberg Air Force Base, California, identified as the SLC-7 Launch Facility.

(b) LIMITATION ON OBLIGATION OF FUNDS FOR SLC-6 FACILITY.—(1) Of the funds appropriated for the Air Force for research, development, test, and evaluation for fiscal year 1990, not more than $31,200,000 shall be available for conversion of the launch facility at Vandenberg Air Force Base, California, identified as the SLC-6 Launch Facility, for launching Titan IV expendable launch vehicles.

(2) Funds appropriated or otherwise made available for the Air Force for fiscal year 1990 may not be used for a second West Coast launch capability for Titan IV expendable launch vehicles except for the conversion of the SLC-6 launch facility to such a capability.

PART E—CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

SEC. 241. PROGRAM FOR MONITORING COMPLIANCE WITH POSSIBLE CHEMICAL WEAPONS CONVENTION

Of the amount authorized to be appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1990, $15,000,000 shall be available for use only by the Office of the Secretary of Defense to conduct a program to develop and demonstrate compliance monitoring capabilities in support of efforts by the United States in the Conference on Disarmament at Geneva to achieve a verifiable convention on the prohibition of chemical weapons.

SEC. 242. REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM

(a) Report.—The Secretary of Defense shall submit to the Congress a report on research, development, test, and evaluation conducted by the Department of Defense during fiscal year 1989 under the Biological Defense Research Program. The report shall be submitted in both classified and unclassified form in conjunction with the submission of the budget to Congress for fiscal 1991.

(b) Content of Report.—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

(2) The biological properties of each such agent.

(3) With respect to each agent, the location at which research, development, test, and evaluation under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

(4) The biosafety level used in conducting that research, development, test, and evaluation.

(c) Types of Research Affected.—Subsection (a) applies to all research, development, test, and evaluation conducted under the Biological Defense Research Program by the Department of Defense.

(d) Definition.—In this section the term "biosafety level" means the applicable biosafety level described in the publication entitled "Biosafety in Microbiological and Biomedical Laboratories" (CDC-NIH, 1984).

SEC. 243. RESTORATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO CHEMICAL AND BIOLOGICAL WARFARE AGENTS

(a) Specific Reports.—Section 602 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (100 Stat. 1066; 10 U.S.C. 111 note) is amended—

(1) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

"(g) Public Law 91-121.—The exception provided in subsection (d)(3) applies to the following annual report and notifications relating to chemical or biological warfare agents:

"(1) The annual report required by subsection (a) of section 409 of Public Law 91-121 (50 U.S.C. 1511).

"(2) The notifications required by subsections (b)(4) and (c)(1) of such section (50 U.S.C. 1512(4), 1513(1)).

"(h) Public Law 91-441.—The exception provided in subsection (d)(3) applies to the following reports:

"(1) The annual report required by section 203(c) of Public Law 91-141 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

"(2) Reports required by section 506(d) of such public law (50 U.S.C. 1518), relating to the disposal of chemical or biological warfare agents."; and

(2) by adding at the end the following new subsection:

"(v) PUBLIC LAW 95-79.—The exception provided in subsection (d)(3) applies to the notifications required by section 808 of Public Law 95-79 (50 U.S.C. 1520), relating to chemical or biological warfare agents.".

(b) CONFORMING AMENDMENT.—Subsection (d)(3) of such section is amended by striking out "(u)" and inserting in lieu thereof "(v)".

PART F—OTHER MATTERS

SEC. 251. ADVANCED RESEARCH PROJECTS

(a) AUTHORITY FOR DARPA COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS.—(1) Chapter 139 of title 10, United States Code, as amended by section 242(a), is further amended by adding at the end the following new section:

"§ 2371. Advanced research projects: cooperative agreements and other transactions

"(a) The Secretary of Defense, in carrying out advanced research projects through the Defense Advanced Research Projects Agency, may enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity.

"(b)(1) Cooperative agreements and other transactions entered into by the Secretary under subsection (a) may include a clause that requires a person or other entity to make payments to the Department of Defense (or any other department or agency of the Federal Government) as a condition for receiving support under the agreement or other transaction.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary of Defense, to the account established under subsection (e). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

"(c) The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31.

"(d) The Secretary shall ensure that—

"(1) to the maximum extent practicable, a cooperative agreement or other transaction under this section does not provide for research that duplicates research being conducted under existing programs carried out by the Department of Defense;

"(2) to the extent the Secretary determines practicable, the funds provided by the Government under the cooperative agreement or other transaction do not exceed the total amount provided by other parties to the cooperative agreement or other transaction; and

"(3) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate.

"(e) There is hereby established on the books of the Treasury an account for support of advanced research projects provided for in cooperative agreements and other transactions entered into under subsection (a). Funds in such account shall be available for the payment of such support.

Reports.

"(f) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees of Armed Services of the Senate and House of Representatives a report on all cooperative agreements and other transactions (other than contracts and grants) entered into under this section during such fiscal year. The report shall contain, with respect to each such cooperative agreement and transaction, the following:

"(1) A general description of the cooperative agreement or other transaction (as the case may be), including the technologies for which advanced research is provided for under such agreement or transaction.

"(2) The potential military and, if any, commercial utility of such technologies.

"(3) The reasons for not using a contract or grant to provide support for such advanced research.

"(4) The amount of the payments, if any, referred to in subsection (b) that were received by the Federal Government in connection with such cooperative agreement or other transaction during the fiscal year covered by the report.

"(5) The amount of the payments reported under paragraph (4), if any, that were credited to the account established under subsection (e).

Termination date.

"(g) The authority of the Secretary to enter into cooperative agreements and other transactions under this section expires at the close of September 30, 1991.".

(2) The table of sections at the beginning of such chapter, as amended by section 242(a), is further amended by adding at the end the following new item:

"2371. Advanced research projects: cooperative agreements and other transactions.".

(b) FUNDING.—Of the amounts appropriated pursuant to section 201 for the Defense Agencies, not more than $25,000,000 of the funds appropriated for fiscal year 1990 and not more than $25,000,000 of the funds appropriated for fiscal year 1991 may be available for the support, through the Defense Advanced Research Projects Agency, of advanced research provided for in cooperative agreements and other transactions authorized by section 2371 of title 10, United States Code (as added by subsection (a)). That amount shall be credited to the account established under subsection (e) of such section.

Grants.

SEC. 252. CLARIFICATION OF REQUIREMENT FOR COMPETITION IN AWARD OF RESEARCH AND DEVELOPMENT CONTRACTS AND CONSTRUCTION CONTRACTS TO COLLEGES AND UNIVERSITIES

(a) COMPETITION REQUIREMENT.—Subsection (a) of section 2361 of title 10, United States Code, is amended by striking out "unless the grant" and all that follows through the end of the subsection and inserting in lieu thereof "unless—

"(1) in the case of a grant, the grant is made using competitive procedures; and

"(2) in the case of a contract, the contract is awarded in accordance with section 2304 of this title (other than pursuant to subsection (c)(5) of that section).".

(b) RESTRICTIONS WITH RESPECT TO SUPERSEDING LEGISLATION.—(1) Subsection (b) of such section is amended to read as follows:

"(b)(1) A provision of law may not be construed as modifying or superseding the provisions of subsection (a), or as requiring funds to be made available by the Secretary of Defense to a particular college or university by grant or contract, unless that provision of law—

"(A) specifically refers to this section;

"(B) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(C) specifically identifies the particular college or university involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law is being made or awarded in contravention of subsection (a).

"(2) A grant may not be made, or a contract awarded, pursuant to a provision of law that authorizes or requires the making of the grant, or the awarding of the contract, in a manner that is inconsisent with subsection (a) until—

"(A) the Secretary of Defense submits to Congress a notice in writing of the intent to make the grant or award the contract; and

"(B) a period of 180 days has elapsed after the date on which the notice is received by Congress.".

Effective date. 10 USC 2361 note.

(2) Subsection (b) of section 2361 of title 10, United States Code, as amended by paragraph (1), applies with respect to any provision of law enacted after September 30, 1989.

(c) SEMIANNUAL REPORT.—(1) Such section is further amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a semiannual report on the use of competitive procedures for the award of research and development contracts, and the award of construction contracts, to colleges and universities. Each such report shall include—

"(A) a list of each college and university that, during the period covered by the report, received more than $1,000,000 in such contracts through the use of procedures other than competitive procedures; and

"(B) the cumulative amount of such contracts received during that period by each such college and university.

"(2) The reports under paragraph (1) shall cover the six-month periods ending on June 30 and December 31 of each year. Each such report shall be submitted within 30 days after the end of the period covered by the report.

"(3) A report is not required under paragraph (1) for any period beginning after December 31, 1993.".

10 USC 2361 note.

(2) The first report under subsection (c) of section 2361 of title 10, United States Code, as added by paragraph (1), shall cover the last six months of 1989 and shall be submitted not later than February 1, 1990.

SEC. 253. EXTENSION OF DEADLINE FOR SELECTION OF HEAVY TRUCK SYSTEM CONFIGURED WITH PALLETIZED LOADING SYSTEM

Section 259(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1068) is amended by striking out "24 months after the enactment of this Act" in the first sentence and inserting in lieu thereof "June 4, 1990".

SEC. 254. TESTING OF INFANTRY ANTI-TANK WEAPON

(a) EVALUATION OF INFANTRY ANTI-TANK WEAPON.—(1) The Secretary of the Army shall conduct a side-by-side test and evaluation of the Bofors Bill weapon system, the Milan weapon system, and the Dragon II weapon system. On the basis of the performance of those systems in those tests, the Secretary of the Army shall select the superior weapon system, giving full consideration to cost effectiveness.

(2) Such test and evaluation shall be conducted, and such selection shall be made, not later than six months after the date of the enactment of this Act.

(3) The tests and criteria used for such evaluation shall be identical to those used for tests under section 114 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1931) and the associated language on page 303 of the joint explanatory statement of managers for the bill H.R. 4481 of the 100th Congress (House Report 100-989 of the 100th Congress).

(b) FUNDING OF TESTS.—The tests under subsection (a) shall be funded from—

(1) funds appropriated for fiscal year 1988 for evaluation of the Bofors Bill system and Milan system which remain unspent;

(2) funds appropriated for fiscal year 1989 for the terminated Dragon III program which remain unspent; and

(3) other fiscal year 1988 or 1989 funds available to the Secretary.

(c) INDEPENDENT ASSESSMENTS.—The Comptroller General of the United States and the Director of Operational Test and Evaluation of the Department of Defense shall each conduct an assessment of the operational tests and evaluations referred to in subsection (a). The Comptroller General and the Director shall each submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives not later than two months after the end of the tests.

Reports.

SEC. 255. FUNDING FOR FACILITY FOR COLLABORATIVE RESEARCH AND TRAINING FOR MILITARY MEDICAL PERSONNEL; FUNDING FOR MICROELECTRONICS RESEARCH

(a) FUNDING.—(1) Of the amounts appropriated pursuant to section 201 for fiscal year 1990, $18,000,000 may be used by the Secretary of Defense as a contribution toward the construction of a facility as part of a complex to enable collaborative research and training for Department of Defense military medical personnel in the following fields:

(A) Trauma care.

(B) Head, neck, and spinal injury.

(C) Paralysis.

(D) Neurosciences and neurodegenerative diseases.

(2) Such a contribution may be made only for a facility that will—

(A) support education, training, treatment, and rehabilitative services related to the fields described in paragraph (1); and

(B) support neuroscience research with relevance for the medical mission of the Department of Defense.

(3) Such a contribution may be made only for a facility to be located at an institutional setting that—

(A) has received national recognition for its work in the fields listed in paragraph (1); and

(B) can best facilitate interagency collaborative research, education, and training activities.

(4) The amount of a contribution under paragraph (1) may not exceed 33 percent of the total cost of such complex.

(b) Microelectronics Research.—Of the funds authorized to be appropriated pursuant to section 201 for fiscal year 1990, not more than $15,000,000 may be made available for a program of research in advanced microelectronics, optoelectronics, and materials. None of such funds may be obligated before July 1, 1990. Any contract awarded under such program shall be awarded using competitive procedures to the maximum extent feasible.

SEC. 256. AVAILABILITY OF FUNDS TRANSFERRED TO NASA FOR NATIONAL AEROSPACE PLANE

Of amounts appropriated to the Department of Defense for fiscal year 1990 that are transferred to the National Aeronautics and Space Administration pursuant to law, not more than $225,000,000 may be used for the National Aerospace Plane program.

SEC. 257. REPEAL OF SPECIFICATION OF FUNDS FOR RANKINE ENGINE

Section 205(a)(3) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1047) is repealed.

TITLE III—OPERATION AND MAINTENANCE

Part A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) Authorization of Appropriations For Fiscal Year 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $22,973,309,000.

(2) For the Navy, $23,926,751,000.

(3) For the Marine Corps, $1,657,800,000.

(4) For the Air Force, $21,909,296,000.

(5) For the Defense Agencies, $7,850,472,000.

(6) For the Army Reserve, $861,800,000.

(7) For the Naval Reserve, $894,800,000.

(8) For the Marine Corps Reserve, $77,400,000.

(9) For the Air Force Reserve, $978,500,000.

(10) For the Army National Guard, $1,867,100,000.

(11) For the Air National Guard, $1,981,900,000.

(12) For the National Board for the Promotion of Rifle Practice, $3,970,000.

(13) For the Defense Inspector General, $94,749,000.

(14) For the Court of Military Appeals, $4,000,000.

(15) For Environmental Restoration, Defense, $601,100,000.

(16) For Humanitarian Assistance, $13,000,000.

(17) For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), $14,600,000.

(b) Authorization of Appropriations For Fiscal Year 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $24,648,400,000.
(2) For the Navy, $25,262,700,000.
(3) For the Marine Corps, $1,771,300,000.
(4) For the Air Force, $23,344,300,000.
(5) For the Defense Agencies, $8,318,900,000.
(6) For the Army Reserve, $902,600,000.
(7) For the Naval Reserve, $949,900,000.
(8) For the Marine Corps Reserve, $79,400,000.
(9) For the Air Force Reserve, $1,015,400,000.
(10) For the Army National Guard, $1,896,300,000.
(11) For the Air National Guard, $2,104,600,000.
(12) For the National Board for the Promotion of Rifle Practice, $5,600,000.
(13) For the Defense Inspector General, $97,600,000.
(14) For the Court of Military Appeals, $4,200,000.
(15) For Environmental Restoration, Defense, $519,900,000
(16) For Humanitarian Assistance, $13,000,000.

(c) Special Authorization for Contingencies.—There is authorized to be appropriated for each of fiscal years 1990 and 1991, in addition to the amounts authorized to be appropriated in subsections (a) and (b), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and
(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by such subsections.

SEC. 302. WORKING CAPITAL FUNDS

(a) Authorization of Appropriations For Fiscal Year 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

(1) For the Navy Stock Fund, $40,500,000.
(2) For the Air Force Stock Fund, $126,100,000.
(3) For the Defense Stock Fund, $78,100,000.

(b) Authorization of Appropriations For Fiscal Year 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

(1) For the Army Stock Fund, $141,500,000.
(2) For the Navy Stock Fund, $232,100,000.
(3) For the Air Force Stock Fund, $319,600,000.
(4) For the Defense Stock Fund, $156,300,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

(a) Authorization of Appropriations For Fiscal Year 1990.—There is authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631), $500,000,000.

(b) Authorization of Appropriations For Fiscal Year 1991.—There is authorized to be appropriated for fiscal year 1991 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631), $500,000,000.

SEC. 304. HUMANITARIAN ASSISTANCE

Refugees.
Afghanistan.

Thailand.
Cambodia.

(a) PURPOSE.—Funds appropriated pursuant to the authorizations in subsections (a)(16) and (b)(16) of section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated for each of fiscal years 1990 and 1991 pursuant to such subsections for such purpose, not more than $3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such subsections for each of fiscal years 1990 and 1991 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such subsections for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

SEC. 305. ARMY AVIATION FLIGHT FACILITY AT JACKSON, TENNESSEE

(a) Establishment of Facility.—The Secretary of the Army shall establish an Army aviation flight facility at McKellar Field in Jackson, Tennessee.

(b) Amount Authorized for Transfer of Brigade.—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and maintenance for the Army National Guard, $300,000 is authorized to be used to transfer the aviation section of the 30th Separate Armored Brigade of the Tennessee National Guard to the facility established pursuant to subsection (a).

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

(a) Assistance Authorized.—Of the amounts appropriated for operation and maintenance for fiscal year 1990, the Secretary of Defense is authorized to use $10,000,000 for the purpose of providing, in consultation with the Secretary of Education, assistance to eligible local educational agencies that operate schools that include students who—

(1) are dependent children of members of the Armed Forces or of civilian employees of the Department of Defense; and

(2) while in attendance at such schools, reside on Federal property.

(b) Eligible Local Educational Agencies.—A local educational agency described in subsection (a) is eligible for financial assistance under such subsection if the Secretary of Defense, in consultation with the Secretary of Education, determines that such agency is unable, without the addition of such assistance, to provide a level of education for such students equivalent to the minimum level of education available within the State in which such students reside (as determined by comparable school district data).

Reports.

(c) Criteria for Assistance.—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed

Services and Labor and Human Resources of the Senate and the Committees on Armed Services and Education and Labor of the House of Representatives a report describing the criteria and procedures the Secretary will use to select recipient agencies for assistance under subsection (a).

(d) REPORT ON IMPACT AID.—Not later than December 31, 1989, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to the Committee on Armed Services and the Committee on Labor and Human Resources of the Senate and the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives a report on the feasibility and desirability—

(1) of transferring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities; and

(2) of providing support services (including funds for facilities) to schools receiving impact aid as a result of the presence of dependent children of members of the Armed Forces or of civilian employees of the Department of Defense.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS IN THE EVENT OF CERTAIN BASE CLOSURES

(a) CERTAIN SEVERANCE PAY COSTS NOT ALLOWABLE COSTS WITH RESPECT TO SERVICE CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph (N):

"(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

10 USC 2324 note.

(2) Subparagraph (N) of such subsection, as added by paragraph (1), shall not apply with respect to the termination of the employment of a foreign national employed under any covered contract (as defined in subsection (l) of such section) if such termination is the result of the closing of, or the curtailment of activities at, a United States military facility in a foreign country pursuant to an agreement entered into with the government of that country before the date of the enactment of this Act.

(b) PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

"Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.".

Effective date. 10 USC 1592 note.

(3)(A) Section 1592 of title 10, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

(B) Such section shall not apply with respect to the closing of, or the curtailment of activities at, a United States military facility in a foreign country pursuant to an agreement entered into with the government of that country before the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in the event a United States military facility located in a foreign country is closed (or activities at the facility are curtailed) at the request of the government of that country, such government should be responsible for the payment of severance pay to foreign nationals in the country whose employment by the United States or by a contractor under a contract with the United States is terminated as a result of the closure or curtailment; and

(2) in negotiating a status-of-forces agreement or other country-to-country agreement with the government of a foreign country, the President should endeavor to include in the agreement a provision that would require the government of that country to pay severance pay to foreign nationals in that country whose employment is terminated as a result of the closing of, or the curtailment of activities at, a United States military facility in that country, if the closing or curtailment is at the request of the government of that country.

SEC. 312. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION

The Secretary of the Navy may not enter into any agreement that would provide for, or permit, civil aircraft to regularly use the Marine Corps Air Station at El Toro, California.

SEC. 313. CLARIFICATION OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS

Section 2466 of title 10, United States Code, is amended—

(1) by striking out "may not require" and inserting in lieu thereof "shall prohibit";

(2) by striking out "or" after "Secretary of the Army" and inserting in lieu thereof "and"; and

(3) by striking out "to carry out" and inserting in lieu thereof "from carrying out".

SEC. 314. REDUCTION IN THE NUMBER OF CIVILIAN PERSONNEL AUTHORIZED FOR DUTY IN EUROPE

(a) REDUCTION REQUIRED.—The number of civilian employees of the Department of Defense authorized for duty in Europe on the date of the enactment of this Act shall be reduced by a number equal to the number of remaining authorizations for employees of the department that—

(1) were related to intermediate-range nuclear forces on December 8, 1987; and

(2) are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

International agreements.

(b) DEADLINE FOR REDUCTION.—The reduction in the number of employees authorized for duty in Europe required by subsection (a) shall be completed not later than October 1, 1991.

SEC. 315. REPEAL OF LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENT ITEMS

Section 303 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1073) is repealed.

PART C—MISCELLANEOUS PROGRAM CHANGES

SEC. 321. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY

Section 1011(a) of title 37, United States Code, is amended—

(1) by striking out "or enlisted members" and all that follows through the period in the first sentence and inserting in lieu thereof "and enlisted members."; and

(2) by adding after the second sentence the following new sentence: "Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.".

SEC. 322. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE ARMED FORCES

(a) IN GENERAL.—Subsection (a) of section 2575 of title 10, United States Code, is amended—

(1) by striking out "120 days" in the third sentence and inserting in lieu thereof "45 days";

(2) by striking out "$25 or more" and all that follows through "three months" in the fourth sentence and inserting in lieu thereof "more than $300, the Secretary may not dispose of the property until 45 days"; and

(3) by inserting after the second sentence the following new sentences: "The diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin, to the maximum extent practicable, not later than seven days after the date on which the property comes into the custody or control of the Secretary. The period for which that effort is continued may not exceed 45 days.".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking out "owner, his heirs or next of kin, or his legal representative" each place it appears and inserting in lieu

thereof "owner (or the heirs, next of kin, or legal representative of the owner)";

(2) in subsection (a)—

(A) by striking out "his department" and inserting in lieu thereof "the Secretary's department"; and

(B) by striking out "owner, his heirs or next of kin, or his legal representatives" and inserting in lieu thereof "owner (or heirs, next of kin, or legal representative of the owner)"; and

(3) in subsection (c), by striking out "he" and inserting in lieu thereof "that person".

10 USC 2575 note.

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to property that comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act.

SEC. 323. PROCUREMENT OF LAUNDRY AND DRY CLEANING SERVICES FROM NAVY EXCHANGES

(a) In General.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office

"(a) Authority.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with a laundry and dry cleaning facility operated by the Navy Resale and Services Support Office to procure laundry and dry cleaning services for the armed forces outside the United States.

"(b) Application.—Subsection (a) shall apply only with respect to a laundry and dry cleaning facility of the Navy Resale and Services Support Office that began operating before October 1, 1989.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office.".

SEC. 324. PROCUREMENT OF SUPPLIES AND SERVICES FROM MILITARY EXCHANGES OUTSIDE THE UNITED STATES

(a) In General.—Chapter 143 of title 10, United States Code, is amended by adding after section 2423 (as added by section 323) the following new section:

"§ 2424. Procurement of supplies and services from exchange stores outside the United States

"(a) Authority.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

"(b) Limitations.—(1) A contract may not be entered into under subsection (a) in an amount in excess of $50,000.

"(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the stocks of the exchange store on hand as of the date the contract is entered into with that exchange store.

"(3) A contract entered into with an exchange store under subsection (a) may not provide for the procurement of services not regularly provided by that exchange store.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2423 (as added by section 323) the following new item:

"2424. Procurement of supplies and services from exchange stores outside the United States.".

SEC. 325. TUITION-FREE ENROLLMENT OF DEPENDENTS OF CERTAIN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

(a) SPONSOR DEFINED TO INCLUDE CERTAIN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—Section 1414(2) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932(2)) is amended to read as follows:

"(2) The term 'sponsor' means a person—

"(A) who is—

"(i) a member of the Armed Forces serving on active duty, or

"(ii) a full-time civilian officer or employee of the Department of Defense and a citizen or national of the United States; and

"(B) who is authorized to transport dependents to or from an overseas area at Government expense and is provided an allowance for living quarters in that area.".

(b) CONFORMING AMENDMENT.—Section 1404(d)(1) of such Act (20 U.S.C. 923(d)(1)) is amended by striking out "(including employees of nonappropriated fund activities of the Department of Defense)" in subparagraph (A) and inserting in lieu thereof "(other than civilian officers and employees who are sponsors under section 1414(2))".

10 USC 923 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment in schools of the defense dependents' education system beginning after September 30, 1989.

SEC. 326. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS

(a) AUTHORITY PROVIDED.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools

"(a) AUTHORITY.—Subject to subsection (b), amounts appropriated to the Department of Defense for the operation of the defense dependents' education system may be used by the Secretary of Defense to enable an overseas meal program to provide students enrolled in that system with meals at a price equal to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.

"(b) LIMITATION.—The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide meals under that program at a price for students equal to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.

"(c) DETERMINING AVERAGE PRICE.—In determining the average price paid by students in the United States for meals under a school meal program, the Secretary of Defense shall exclude free and reduced price meals provided pursuant to income guidelines.

"(d) OVERSEAS MEAL PROGRAM DEFINED.—In this section, the term 'overseas meal program' means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending Department of Defense dependents' schools which are located outside the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools.".

SEC. 327. COMMERCIAL SALE OF RECORDING OF AIR FORCE SINGING SERGEANTS

The Secretary of the Air Force may enter into an appropriate contract providing for the production and commercial sale of a recording made on April 9, 1989, by the Cincinnati Pops Orchestra and members of the Air Force known as the United States Air Force Singing Sergeants. Any contract entered into under this section shall contain such provisions as the Secretary considers appropriate to protect the interests of the United States.

Hawaii.

SEC. 328. TRANSPORTATION OF MOTOR VEHICLES OF MILITARY AND CIVILIAN PERSONNEL STATIONED ON JOHNSTON ISLAND

(a) AUTHORITY TO TRANSPORT.—(1) When a member of the Armed Forces or an employee of the Department of Defense is assigned to permanent duty on Johnston Island, one motor vehicle that is owned by the member or employee (or a dependent of the member or employee) may be transported at the expense of the United States to a location in the State of Hawaii from the old duty station of the member or employee (or from a location of lesser distance) if the member or employee designates Hawaii as the State in which the immediate family of the member or employee will reside.

(2) When a member or employee is reassigned from Johnston Island to a new permanent duty station, one motor vehicle that is owned by the member or employee (or a dependent of the member or employee) may be transported at the expense of the United States from the residence in the State of Hawaii of the dependents of the member or employee—

(A) to the new duty station of the member or employee; or

(B) at the request of the member or employee, to such other location not greater than the distance allowed under paragraph (1).

(b) REGULATIONS.—Subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense.

SEC. 329. AUTHORITY TO PROVIDE CERTAIN ASSISTANCE TO ANNUAL CONVENTIONS OF NATIONAL MILITARY ASSOCIATIONS

(a) AUTHORITY.—(1) Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2548. National military associations: assistance at national conventions

"(a) AUTHORITY TO PROVIDE SERVICES.—The Secretary of a military department may provide services described in subsection (c) in connection with an annual conference or convention of a national military association.

"(b) CONDITIONS FOR PROVIDING SERVICES.—Services may be provided under this section only if—

"(1) the provision of the services in any case is approved in advance by the Secretary concerned;

"(2) the services can be provided in conjunction with training in appropriate military skills; and

"(3) the services can be provided within existing funds otherwise available to the Secretary concerned.

"(c) COVERED SERVICES.—Services that may be provided under this section are—

"(1) limited air and ground transportation;
"(2) communications;
"(3) medical assistance;
"(4) administrative support; and
"(5) security support.

"(d) NATIONAL MILITARY ASSOCIATIONS.—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section.

"(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2548. National military associations: assistance at national conventions.".

(b) EFFECTIVE DATE.—Section 2548 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

10 USC 2548 note.

SEC. 330. AUTHORITY TO LEASE FLEET ELECTRONIC WARFARE SUPPORT AIRCRAFT

Section 328 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1957), is amended by striking out "such a lease" and all that follows through the period and inserting in lieu thereof "leasing, operating, and supporting such aircraft is less than the projected costs of operating and maintaining existing aircraft of the Navy for the same activity.".

SEC. 331. ENERGY EFFICIENCY INCENTIVE

Section 736 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2006; 42 U.S.C. 8287 note), is amended as follows:

(1) In subsection (a), by striking out "first-year energy cost savings (as defined in subsection (d)) realized" and inserting in lieu thereof "energy cost savings realized by the United States during the first five years".

(2) In subsection (b)—

(A) by striking out "First-year energy savings" and inserting in lieu thereof "The energy cost savings realized by the United States in each of the first five years under a contract"; and

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) One-half of the amount of such savings may be used for the acquisition of energy conserving measures for military installations, and such measures may be in addition to any such energy conserving measures acquired for military installations under contracts entered into under title VIII of the National Energy Conservation Policy Act.".

(3) In subsection (c)—

(A) by striking out "end of the first year" and inserting in lieu thereof "end of each of the first five years"; and

(B) by striking out "first-year energy cost savings realized under the terms of the contract during that year by the military department concerned" and inserting in lieu thereof "energy cost savings realized by the United States under the terms of the contract during that year".

(4) By striking out subsection (d).

SEC. 332. AUTHORITY TO ACQUIRE RAILROAD TRACK STRUCTURE AND TEMPORARY RIGHT-OF-WAY FOR RAIL LINE

Nevada.

The Secretary of the Army may purchase the railroad track structure and temporary right-of-way in the State of Nevada for the railroad line known as the Mina Branch, located between milepost 331.12, near Wabuska, Nevada, and milepost 385.00, near Thorne, Nevada, for use in connection with the operation of Hawthorne Army Ammunition Plant, Nevada. The Secretary may use any funds appropriated pursuant to section 301 for the Army for fiscal year 1990 to carry out the preceding sentence.

SEC. 333. AUTHORIZATION OF LONG-TERM AIRCRAFT SUPPORT CONTRACT

Marshall Islands.

The Secretary of the Army may enter into a long-term contract pursuant to section 2401 of title 10, United States Code, that includes a lease for the provision of air transportation at Kwajalein Atoll, Republic of the Marshall Islands, if—

(1) the contract does not impose a substantial termination liability on the United States within the meaning of section 2401(a)(1)(B) of title 10, United States Code; and

(2) the contract is made subject to the availability of funds for such purpose.

SEC. 334. SERVICE CONTRACT TO TRAIN UNDERGRADUATE NAVAL FLIGHT OFFICERS

In accordance with sections 2304 and 2401 of title 10, United States Code, the Secretary of the Navy may enter into a contract (to commence after September 30, 1990) for services with respect to the training of undergraduate naval flight officers.

Employment and unemployment.

SEC. 335. DEFENSE CONTRACT AUDITORS

The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors.

SEC. 336. UNIFORM ALLOWANCE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE REQUIRED TO WEAR UNIFORMS

(a) ALLOWANCE AUTHORIZED.—(1) Chapter 81 of title 10, United States Code, is amended by adding after section 1592 (as added by section 311(b)) the following new section:

"§ 1593. Uniform allowance: civilian employees

"(a) ALLOWANCE AUTHORIZED.—(1) The Secretary of Defense may pay an allowance to each civilian employee of the Department of Defense who is required by law or regulation to wear a prescribed uniform in the performance of official duties.

"(2) In lieu of providing an allowance under paragraph (1), the Secretary may provide a uniform to a civilian employee referred to in such paragraph.

"(3) This subsection shall not apply with respect to a civilian employee of the Defense Intelligence Agency who is entitled to an allowance under section 1606 of this title.

"(b) AMOUNT OF ALLOWANCE.—Notwithstanding section 5901(a) of title 5, the amount of an allowance paid, and the cost of uniforms provided, under subsection (a) to a civilian employee may not exceed $400 per year.

"(c) TREATMENT OF ALLOWANCE.—An allowance paid, or uniform provided, under subsection (a) shall be treated in the same manner as is provided in section 5901(c) of title 5 for an allowance paid under that section.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1592 (as added by section 311(b)) the following new item:

"1593. Uniform allowance: civilian employees.".

(b) CONFORMING AMENDMENT.—Section 1606(b)(2) of title 10, United States Code, is amended by striking out "$360 per year." and inserting in lieu thereof "The maximum allowance provided under section 1593(b) of this title.".

10 USC 1593 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

Veterans.

PART D—ARMED FORCES RETIREMENT HOMES

SEC. 341. UNITED STATES SOLDIERS' AND AIRMEN'S HOME SUBJECT TO ANNUAL AUTHORIZATIONS OF APPROPRIATIONS

(a) IN GENERAL.—Section 1321(b) of title 31, United States Code, is amended—

(1) by inserting before the period in the third sentence the following: "and only if the appropriations are specifically authorized by law"; and

(2) by striking out the last sentence.

10 USC 1321 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home made for fiscal years after fiscal year 1990.

SEC. 342. MILITARY FINES AND FORFEITURES TO BENEFIT ARMED FORCES RETIREMENT HOMES

(a) IN GENERAL.—(1) Chapter 165 of title 10, United States Code, is amended by inserting after section 2771 the following new section:

"§ 2772. Share of fines and forfeitures to benefit Armed Forces retirement homes

"(a)(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the Soldiers' Home, permanent fund, referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of fines adjudged against an enlisted member or warrant officer in the Army or the Air Force by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Army or the Air Force.

"(2) The board of commissioners for the United States Soldiers' and Airmen's Home shall determine, on the basis of the financial needs of that home, the percentage of the amounts referred to in paragraph (1) to be deposited in the Soldiers' Home, permanent fund.

"(b)(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of fines adjudged against an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage of the amounts referred to in paragraph (1) to be credited under such paragraph.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2771 the following new item:

"2772. Share of fines and forfeitures to benefit Armed Forces retirement homes.".

10 USC 2772 note.

(b) Application of Amendments.—(1) Subsection (a) of section 2772 of such title, as added by subsection (a), shall apply with respect to fines and forfeitures adjudged after the date of the enactment of this Act.

(2) Subsection (b) of such section shall apply with respect to fines and forfeitures adjudged after May 31, 1990.

SEC. 343. DEDUCTIONS FROM THE PAY OF ENLISTED MEMBERS AND WARRANT OFFICERS TO BENEFIT ARMED FORCES RETIREMENT HOMES

(a) In General.—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) There shall be deducted each month from the pay of each enlisted member and warrant officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed 50 cents.

"(2) Amounts deducted under paragraph (1) shall be—

"(A) deposited in the Soldiers' Home, permanent fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(3) The Secretary of Defense, after consultation with the Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members and warrant officers on the basis of the financial needs of the homes. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

"(4) In this subsection, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Navy.

"(5) This subsection does not apply to an enlisted member or warrant officer of a reserve component.".

37 USC 1007 note.

(b) Effective Date.—(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1990.

SEC. 344. INSPECTION OF ARMED FORCES RETIREMENT HOMES BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

During fiscal year 1990, the Inspector General of the Department of Defense shall—

(1) conduct an inspection of each Armed Forces Retirement Home, including the records of that retirement home; and

Reports.

(2) submit to the administering authority of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives a report—

(A) describing the results of the inspection; and

(B) containing such recommendations as the Inspector General considers appropriate, including any recommendation for future inspections of the retirement homes by the Inspector General.

SEC. 345. REPORT REGARDING IMPROVING THE OPERATION AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOMES

(a) Report Requirement.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with regard to improving the operation and management of the Armed Forces Retirement Homes.

(b) Content of the Report.—The report required by subsection (a) shall—

(1) address the feasibility of consolidating the administration and management of the retirement homes;

(2) address the feasibility of standardizing (and include proposals to standardize)—

(A) the eligibility requirements for admission to the retirement homes for persons who served as enlisted members or warrant officers in the Armed Forces;

(B) the monthly fees paid by residents of the retirement homes; and

(C) the funding arrangements for the retirement homes through a single trust fund; and

(3) include proposals to administer the retirement homes through a joint board of directors.

(c) PREPARATION OF THE REPORT.—(1) The Secretary shall appoint a board of five members to review the administration and financing of the United States Soldiers' and Airmen's Home and the Naval Home and to prepare the report required by subsection (a).

(2) The members of the board shall be appointed from persons who—

(A) are not officers or employees of the United States; and

(B) are experts in the fields of gerontology, health care, or the provision of care for elderly persons.

(d) EXPENSES OF PREPARATION.—The expenses of preparing the report required by subsection (a) shall be paid in equal amounts out of the funds available for the operation of the United States Soldiers' and Airmen's Home and the Naval Home.

(e) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than February 15, 1990.

SEC. 346. DEFINITIONS

For purposes of this part:

(1) The terms "Armed Forces Retirement Home" and "retirement home" mean the United States Soldiers' and Airmen's Home or the Naval Home.

(2) The term "administering authority" means—

(A) the board of commissioners for the United States Soldiers' and Airmen's Home, in the case of that home; and

(B) the Governor of the Naval Home, in the case of that home.

(3) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

SEC. 347. REPEAL OF SUPERSEDED PROVISIONS RELATING TO THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME

The following provisions of law are repealed:

(1) Sections 4818, 4820, and 4823, and the first and third sentences of section 4819, of the Revised Statutes of the United States (24 U.S.C. 44, 51, 53).

(2) Sections 2 through 6 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 52, 55, 56, 57, 60).

(3) The Act entitled "An Act to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia", approved January 16, 1891 (26 Stat. 718; 24 U.S.C. 47).

(4) Section 2(a) of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44c).

PART E—ENVIRONMENTAL PROVISIONS

SEC. 351. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS

Reports.

Of the total amount appropriated pursuant to section 301 for environmental restoration for fiscal year 1990, not more than $517,800,000 may be obligated or expended until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the manner in which funds for such purpose (up to that limit) have been obligated.

SEC. 352. REQUIREMENT FOR DEVELOPMENT OF ENVIRONMENTAL DATA BASE

10 USC 2701 note.

(a) ENVIRONMENTAL DATA BASE.—The Secretary of Defense shall develop and maintain a comprehensive data base on environmental activities carried out by the Department of Defense pursuant to, and environmental compliance obligations to which the Department is subject under, chapter 160 of title 10, United States Code, and all other applicable Federal and State environmental laws. At a minimum, the information in the data base shall include all the fines and penalties assessed against the Department of Defense pursuant to environmental laws and paid by the Department, all notices of violations of environmental laws received by the Department, and all obligations of the Department for compliance with environmental laws. The Secretary may include any other information he considers appropriate.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress in development of the data base required under subsection (a). The report shall include a summary of the information collected for the data base with respect to environmental activities during 1989.

SEC. 353. FIVE-YEAR PLAN FOR ENVIRONMENTAL RESTORATION AT BASES TO BE CLOSED

10 USC 2687 note.

(a) PLAN.—The Secretary of Defense shall develop a comprehensive five-year plan for environmental restoration at military installations that will be closed or realigned during fiscal years 1991 through 1995, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627). The plan shall cover—

(1) the environmental restoration activities that the Secretary plans to carry out each year at the installations;

(2) the funding requirements needed for such activities; and

(3) such other information as the Secretary considers appropriate.

(b) REPORT.—At the same time the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the five-year plan required under subsection (a). The report shall include an itemization of the funding requirements specified in the plan for environmental restoration activities during fiscal year 1991.

Hazardous materials.

SEC. 354. FUNDING FOR WASTE MINIMIZATION PROGRAMS FOR CERTAIN INDUSTRIAL-TYPE ACTIVITIES OF THE DEPARTMENT OF DEFENSE

10 USC 2701 note.

(a) REQUIREMENT TO ESTABLISH WASTE MINIMIZATION PROGRAM.—The Secretary of Defense shall require the Secretary of each military department to establish a program for fiscal year 1992 to reduce the volume of solid and hazardous wastes disposed of, and hazardous materials used by, each industrial-type activity within the department that is a depot maintenance installation and for which a working-capital fund has been established under section 2208 of title 10, United States Code.

(b) FUNDING.—Funding for the waste minimization program in each military department shall come out of payments received by the working-capital funds established for industrial-type and commercial-type activities of the department. The level of funding for fiscal year 1992 shall be not less than ½ of 1 percent of the amount of such payments received during fiscal year 1988 that were used for depot maintenance installation functions at industrial-type activities. The required level of funding for fiscal year 1992 may be reduced by amounts expended for waste minimization during fiscal years 1990 and 1991. In any case in which a military department fails to spend funds at the level required by this subsection for the waste minimization program, the Secretary concerned shall submit to Congress a report explaining the reasons for the failure.

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(c) NOTICE OF EXCLUDED ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the name of each industrial-type or commercial-type activity of each military department which is not covered by the waste minimization program because the activity does not carry out depot maintenance installation functions.

(d) USE OF FUNDS.—Funds available for the waste minimization programs established pursuant to this section shall be used to carry out waste minimization projects at depot maintenance installations. The types of expenses for which such funds may be used include the following (if such expense is related to a waste minimization project):

(1) Operating expenses (including salaries).
(2) Equipment purchase expenses.
(3) Facility modification expenses.
(4) Process change expenses.
(5) Product substitution expenses.
(6) Military construction expenses.
(7) Research, development, test, and evaluation expenses.
(8) Expenses for the lease of equipment or facilities.

(e) RECOVERY OF COSTS.—Each project carried out at an industrial-type activity as part of a waste minimization program established pursuant to this section shall be designed to achieve, over the expected useful life of the project, reductions in the cost of the disposal of solid and hazardous wastes generated by the activity in an amount which is not less than the cost of the project. The Secretary of a military department may provide funds for a project that does not meet the requirement of the preceding sentence if the Secretary certifies to Congress that—

(1) the project will result in a reduction of solid or hazardous waste disposed of, or hazardous materials used by, the activity; or

(2) the project will eliminate or reduce the likelihood of harm to human health or the environment.

SEC. 355. SENSE OF CONGRESS CONCERNING INVESTIGATION OF SOIL AND WATER CONTAMINATION NEAR MEAD, NEBRASKA

(a) Findings.—Congress finds the following:

(1) The Army Corps of Engineers is carrying out an investigation of soil and water contamination at the former Nebraska Ordnance Plant near Mead, Nebraska.

(2) Solvents, polychlorinated byphenals, Research Department Explosive (RDX), and explosive materials used in making ammunition have been discovered during the course of the investigation.

(b) Sense of Congress.—(1) It is the sense of Congress that the Secretary of the Army should carry out the investigation referred to in subsection (a) as promptly as possible consistent with other environmental cleanup responsibilities, and (2) should continue to keep interested parties, including potentially affected residents in the area, University of Nebraska officials, and State and local government personnel, fully advised of developments relating to the investigation and activities at the site.

10 USC 2701 note.

SEC. 356. USE OF CHLOROFLUOROCARBONS AND HALONS IN THE DEPARTMENT OF DEFENSE

(a) Chlorofluorocarbons Emission Reduction.—The Secretary of Defense shall formulate and carry out, through the Under Secretary of Defense for Acquisition, a program to reduce the unnecessary release of chlorofluorocarbons (hereinafter in this section referred to as "CFCs") and halons into the atmosphere in connection with maintenance operations and training and testing practices of the Department of Defense.

(b) Report.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program the Secretary proposes to carry out pursuant to subsection (a). The Secretary shall specify in the report the reduction goals that are attainable on the basis of known technology, including the use of refrigerant recovery systems currently available. The Secretary shall include in the report a schedule for meeting those goals. The Secretary shall also include in such report reduction goals that can be achieved only with the use of new technology and assess the technologies and investment that will be required to attain those goals within a five-year period.

(2) Before the report required under paragraph (1) is submitted to the committees named in such paragraph, the Secretary shall transmit a copy of the report to the Administrator of the Environmental Protection Agency for comment.

Establishment.

(c) DOD Requirements for CFCs.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to be known as the "CFC Advisory Committee" (hereinafter in this section referred to as the "Committee"). The Committee shall be composed of not more than 15 members, with an equal number of representatives from the Department of Defense, the Environmental Protection Agency, and defense contractors. Members representing defense contractors shall be contractors that supply the Department of Defense with products or equipment that require the use of CFCs.

(2) It shall be the function of the Committee to study (A) the use of CFCs by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the cost and feasibility of using alternative compounds for CFCs or using alternative technologies that do not require the use of CFCs.

(3) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that specify the use of CFCs.

(4) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that do not specify use of CFCs but cannot be met without the use of CFCs.

(d) Report.—Not later than September 30, 1990, the Secretary shall submit to the committees named in subsection (b) a report containing the results of the study by the Committee. The report shall—

(1) identify cases in which the Committee found that substitutes for CFCs could be made most expeditiously;

(2) identify the feasibility and cost of substituting compounds or technologies for CFC uses referred to in subsection (c)(3) and estimate the time necessary for completing the substitution;

(3) identify CFC uses referred to in subsection (c)(4) for which substitutes are not currently available and indicate the reasons substitutes are not available;

(4) describe the types of research programs that should be undertaken to identify substitute compounds or technologies for CFC uses referred to in paragraphs (3) and (4) of subsection (c) and estimate the cost of the program;

(5) recommend procedures to expedite the use of substitute compounds and technologies offered by contractors to replace CFC uses;

(6) estimate the earliest date on which CFCs will no longer be required for military applications; and

(7) estimate the cost of revising military specifications for the use of substitutes for CFCs, the additional costs resulting from modification of Department of Defense contracts to provide for the use of substitutes for CFCs, and the cost of purchasing new equipment and reverification necessitated by the use of substitutes for CFCs.

SEC. 357. ANNUAL REPORT ON DEFENSE BUDGET FOR ENVIRONMENTAL COMPLIANCE

(a) Report.—(1) Section 2706 of title 10, United States Code, is amended—

(A) by inserting "(1)" before "The Secretary of Defense" in subsection (a);

(B) by striking out the subsection heading of subsection (b), redesignating paragraphs (1) through (4) of that subsection as subparagraphs (A) through (D), and redesignating such subsection as paragraph (2); and

(C) by adding at the end the following new subsection:

"(b) Environmental Budget Report.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report on—

"(A) the funding levels required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted; and

"(B) the funding levels requested for such purposes in the budget as submitted by the President.

"(2) The Secretary shall include in the report an explanation of any differences in the funding level requirements and the funding level requests in the budget.".

(2)(A) The heading of such section is amended to read as follows:

"§ 2706. Annual reports to Congress".

(B) The item relating to such section in the table of sections at the beginning of chapter 106 of such title is amended to read as follows:

"2706. Annual reports to Congress.".

(b) EFFECTIVE DATE.—The first environmental budget report under subsection (b) of section 2706 of such title (as added by subsection (a)) shall be submitted at the same time the President submits the budget for fiscal year 1992.

10 USC 2706 note.

SEC. 358. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

10 USC 2701 note.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1), including the estimated cost, as of the date of the report, of disposing of solid waste and effluent generated by the Department of Defense.

(3) The projected funding for and schedule of actions under the Defense Environmental Restoration Program referred to in section 2701(a)(1) of title 10, United States Code.

(4) An assessment of anticipated Federal, State, and local environmental regulatory requirements and the effects of such requirements on operations and activities of the Department of Defense.

(5) An analysis of all the information described in paragraphs (1) through (4) and a discussion of potential courses of action, priorities, and goals of the Department of Defense, including the adoption of alternative waste minimization and disposal policies, such as requiring the purchase of biodegradable plastics and recycled paper, the recycling of post-consumer waste, and the consumption of ethanol and other alternative fuels.

(6) Such comments and recommendations as the Secretary considers appropriate.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

SEC. 359. REPORTS ON ENVIRONMENTAL RESTORATION OF JEFFERSON PROVING GROUND, INDIANA

(a) REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives three annual reports and a final report on plans and schedules for remediation of the environmental contamination at the Jefferson Proving Ground, Indiana, resulting from the activities of the Department of Defense.

(b) MATTERS TO BE INCLUDED IN FINAL REPORT.—The final report required by subsection (a) shall include the following:

(1) A description of the nature and extent of the environmental contamination, including any contamination resulting from hazardous materials.

(2) A detailed plan to restore all portions of the Jefferson Proving Ground south of the firing line to full and unrestricted use.

(3) A description of all portions of the Jefferson Proving Ground which the Department of Defense does not plan to make available for full and unrestricted use for reasons of liability, costs of cleanup, or any other reason.

(4) A plan to finance the cleanup of the Jefferson Proving Ground, including estimated costs of the cleanup, identification of the sources of funds for cleanup, and a time schedule for implementation of cleanup measures.

(c) CONSULTATION.—The Secretary shall consult with appropriate State and local officials in preparing the reports required by subsection (a).

(d) DEADLINES.—The first annual report required by subsection (a) shall be submitted not later than April 15, 1990. The final report required by subsection (a) shall be submitted not later than April 15, 1993.

Pollution.

SEC. 360. STUDY OF ENVIRONMENTAL DAMAGE TO SHENANDOAH RIVER

(a) STUDY REQUIREMENT.—The Administrator of the Environmental Protection Agency, in consultation with the State of Virginia, shall conduct a study to determine the environmental damage to the Shenandoah River that has resulted, or may be resulting, from activities of any company under contract with the Department of Defense and the National Aeronautics and Space Administration.

(b) MATTERS TO BE STUDIED.—In conducting the study, the Administrator shall determine the following:

(1) The degree of the pollution in the Shenandoah River, and any other environmental effects on the river, attributable to the activities of any company described in subsection (a).

(2) An estimate of the amount of funds and the length of time needed to assure attainment of any water quality standards for the river established under section 303 of the Federal Water Pollution Control Act, to assure protection of public water supplies, and to assure protection and propagation of a balanced, indigenous population of fish (including shellfish) and wildlife.

Reports.

(c) DEADLINES.—The Administrator shall submit to Congress—

(1) a plan for carrying out the study required by this section not later than December 31, 1989;

(2) a progress report on the study not later than June 30, 1990; and

(3) a final report on the study not later than December 31, 1990.

SEC. 361. STUDY OF WASTE RECYCLING

(a) Study.—The Secretary of Defense shall conduct a study of the following:

10 USC 2701 note.

(1) Current practices and future plans for managing postconsumer waste at facilities of the Department of Defense at which such waste is generated, including commissary and exchange stores, cafeterias, and mess halls.

(2) The feasibility of such Department of Defense facilities participating in programs at military installations or in local communities to recycle the postconsumer waste generated at the facilities.

(b) Postconsumer Waste Defined.—For purposes of this section, the term "postconsumer waste" means garbage and refuse, including items that have passed through their end use as consumer items.

(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the findings and conclusions of the Secretary resulting from the study.

Part F—Miscellaneous Reports

SEC. 371. REPORT ON MILITARY USE OF THE INLAND NAVIGATION SYSTEM

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the potential for obtaining efficiencies, savings, and enhanced mobilization preparedness through increased use of the national inland waterway system by the Department of Defense and defense industries.

SEC. 372. REPORT ON MANPOWER, MOBILITY, SUSTAINABILITY, AND EQUIPMENT

(a) Report Required.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the readiness of the Armed Forces (in terms of manpower, mobility, sustainability, and equipment) to perform their assigned missions. The report shall be based on the manpower and other resources planned for the Armed Forces in the budget for the Department of Defense for fiscal year 1991.

(b) Matters To Be Included in Report.—The Secretary shall include in the report required by subsection (a) the following:

(1) A detailed analysis of trends in readiness and sustainability of the military forces of the United States over the five-year period 1986 to 1990 and, based on the current Five-Year Defense Program or other planning document approved by the Secretary, a projection of such trends over the succeeding five-year period.

(2) A detailed evaluation of the readiness and sustainability of the unified combatant commands and the specified combatant commands of the Armed Forces.

(3) A discussion of—

(A) the readiness and sustainability of the military forces of the United States in terms of the standards approved by the Secretary of Defense;

(B) the readiness and sustainability of allied forces of the United States; and

(C) the readiness and sustainability of potential enemy forces.

(4) A list of all improvements that need to be made in the readiness and sustainability of the manpower, mobility, and equipment of the Armed Forces to correct major shortfalls of the unified combatant commands and the specified combatant commands, the relative priority of each such improvement, and the estimated cost of each such improvement.

(5) Such other information regarding the readiness of the Armed Forces (in terms of manpower, mobility, sustainability, and equipment) as the Secretary considers appropriate.

(c) PRIORITY FOR IMPROVEMENTS.—The relative priority of the improvements referred to in subsection (b)(4) shall be determined by the Secretary on the basis of the improvements necessary to ensure the ability of the Armed Forces to perform their assigned missions and the ability of the United States to meet its military commitments.

(d) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a), together with such comments and recommendations as the Secretary considers appropriate, not later than February 15, 1990.

SEC. 373. REPORT ON SECOND SOURCE FOR CARBONIZABLE RAYON YARN

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress and schedule (including a time certain) for the Department of Defense to establish a certified second production source for carbonizable rayon yarn for use by the Department of Defense and the National Aeronautics and Space Administration on heat shields and rocket nozzles of reentry space vehicles.

(b) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act.

SEC. 374. REPORT ON MILITARY RECRUITING ADVERTISING EXPENDITURES

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

(1) the results of using each of the types of media for military recruiting purposes; and

(2) the anticipated effects on military recruitment of devoting to print media advertising each year a greater portion of the total expenditures made in a year for recruitment advertising.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES

(a) FISCAL YEAR 1990.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

(1) The Army, 764,021, of which not more than 106,001 may be officers.

(2) The Navy, 591,541, of which not more than 72,493 may be officers.

(3) The Marine Corps, 197,159, of which not more than 20,110 may be officers.

(4) The Air Force, 567,474, of which not more than 102,200 may be officers.

(b) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

(1) The Army, 763,721, of which not more than 105,675 may be officers.

(2) The Navy, 591,541, of which not more than 72,313 may be officers.

(3) The Marine Corps, 197,159, of which not more than 20,108 may be officers.

(4) The Air Force, 562,415, of which not more than 102,069 may be officers.

SEC. 402. REDUCTION FOR FISCAL YEAR 1991 IN NUMBER OF AIR FORCE COLONELS

10 USC 523 note.

The number of officers that (but for this section) would be authorized under section 523 of title 10, United States Code, and other applicable provisions of law to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1991 is hereby reduced by 250.

SEC. 403. TEMPORARY INCREASE IN OFFICER GRADE LIMITATIONS

10 USC 523 note.

(a) AUTHORITY TO INCREASE NUMBERS FOR FISCAL YEARS 1990 AND 1991.—The Secretary of Defense may increase the strength-in-grade limitations specified in section 523(a) of title 10, United States Code, by a total of 250 positions, to be distributed among grades and services as the Secretary considers appropriate. Any increase pursuant to the preceding sentence in an otherwise applicable limitation shall expire, as specified by the Secretary, not later than September 30, 1991.

(b) REPORT ON GRADE TABLE RESTRICTIONS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the strength-in-grade limitations prescribed in section 523(a) of title 10, United States Code. The report shall particularly address how those limitations affect the ability of the Department of Defense to recruit and retain nurses and other health professionals for service on active duty. The report shall include such recommendations as the Secretary considers appropriate and shall be submitted not later than March 1, 1990.

Part B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE

10 USC 261 note.

(a) Fiscal Year 1990.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

(1) The Army National Guard of the United States, 458,000.
(2) The Army Reserve, 321,700.
(3) The Naval Reserve, 153,400.
(4) The Marine Corps Reserve, 44,000.
(5) The Air National Guard of the United States, 116,200.
(6) The Air Force Reserve, 84,900.
(7) The Coast Guard Reserve, 15,000.

(b) Fiscal Year 1991.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 458,500.
(2) The Army Reserve, 323,100.
(3) The Naval Reserve, 155,000.
(4) The Marine Corps Reserve, 44,100.
(5) The Air National Guard of the United States, 116,300.
(6) The Air Force Reserve, 85,200.
(7) The Coast Guard Reserve, 15,150.

(c) Waiver Authority.—The Secretary of Defense may vary an end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) Adjustments.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

(a) Fiscal Year 1990.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty, or in the case of members of the National Guard, full-time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,164.
(2) The Army Reserve, 13,680.
(3) The Naval Reserve, 22,708.
(4) The Marine Corps Reserve, 2,301.

(5) The Air National Guard of the United States, 8,517.

(6) The Air Force Reserve, 686.

(b) Fiscal Year 1991.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,514.

(2) The Army Reserve, 14,027.

(3) The Naval Reserve, 23,565.

(4) The Marine Corps Reserve, 2,401.

(5) The Air National Guard of the United States, 8,468.

(6) The Air Force Reserve, 700.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

(a) Senior Enlisted Members.—(1) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	542	200	224	13
E-8	2,504	425	637	74".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	557	202	231	13
E-8	2,585	429	670	74".

(b) Officers.—(1) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,030	1,065	575	110
Lieutenant Colonel or Commander	1,448	520	476	75
Colonel or Navy Captain	351	188	190	25"

Effective date.

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	532	75
Colonel or Navy Captain	364	188	194	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 79,667.
(2) The Navy, 67,224.
(3) The Marine Corps, 21,656.
(4) The Air Force, 39,575.
(5) The Army National Guard of the United States, 19,168.
(6) The Army Reserve, 15,377.
(7) The Naval Reserve, 3,237.
(8) The Marine Corps Reserve, 4,179.
(9) The Air National Guard of the United States, 2,941.
(10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 74,760.
(2) The Navy, 66,517.
(3) The Marine Corps, 22,235.
(4) The Air Force, 37,757.
(5) The Army National Guard of the United States, 18,667.
(6) The Army Reserve, 15,963.
(7) The Naval Reserve, 3,259.
(8) The Marine Corps Reserve, 4,178.
(9) The Air National Guard of the United States, 2,939.
(10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1990

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1990 a total of $78,780,742,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1990.

TITLE V—MILITARY PERSONNEL

PART A—RESERVE COMPONENTS MATTERS

SEC. 501. DELAYED ENTRY PROGRAM AND DELAYED ENTRY TRAINING PROGRAM FOR RESERVISTS

(a) DELAYED ENTRY PROGRAM ENLISTMENTS.—(1) Chapter 31 of title 10, United States Code, is amended by inserting after section 512 the following new section:

"§ 513. Enlistments: Delayed Entry Program

"(a) A person with no prior military service who is qualified under section 505 of this title and applicable regulations for enlistment in a regular component of an armed force may (except as provided in subsection (c)) be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

"(b) Unless sooner ordered to active duty under chapter 39 of this title or another provision of law, a person enlisted under paragraph (1) shall, within 365 days after such enlistment, be discharged from the reserve component in which enlisted and immediately be enlisted in the regular component of an armed force. During the period beginning on the date on which the person enlists under subsection (a) and ending on the date on which the person is enlisted in a regular component under the preceding sentence, the person shall be in the Ready Reserve of the armed force concerned.

"(c) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under paragraph (1).

Regulations.

"(d) This section shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 512 the following new item:

"513. Enlistments: Delayed Entry Program.".

(b) EXEMPTION OF DEP ENLISTEES FROM READY RESERVE TRAINING REQUIREMENTS.—Section 270(a) of title 10, United States Code, is amended by inserting "or 513" after "section 269(b)" in the first sentence.

(c) LIMITATION ON CREDITING DEP SERVICE FOR LONGEVITY FOR PAY.—Subsection (e) of section 205 of title 37, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

"(2) Paragraph (1) applies to the following service:

"(A) Service performed while a member of a reserve component under an enlistment under section 511(b) or 511(d) of title 10 before the member begins service on active duty under such section (including a period of active duty for training) unless the member performs inactive-duty training before beginning service on active duty or active duty for training;

"(B) Service performed while a member of a reserve component under an enlistment under section 513 of title 10 (other than a period of active duty to which the member is ordered under chapter 39 of title 10 or another provision of law).".

SEC. 502. ANNUAL MUSTER DUTY AND MUSTER DUTY PAY FOR READY RESERVISTS

(a) Order to Annual Muster Duty.—(1) Chapter 39 of title 10, United States Code, is amended by inserting after section 686 the following new section:

"§ 687. Ready Reserve: muster duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered without his consent to muster duty one time each year. A member ordered to muster duty under this section shall be required to perform a minimum of two hours of muster duty on the day of muster.

"(b) The period which a member may be required to devote to muster duty under this section, including round-trip travel to and from the location of that duty, may not total more than one day each calendar year.

"(c) Except as specified in subsection (d), muster duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title and the provisions of title 37 (other than section 206(a)) and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors.

"(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 67 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 686 the following new item:

"687. Ready Reserve: muster duty.".

(b) Allowance for Annual Muster Duty.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 433. Allowance for muster duty

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 691 of title 10 if the member is engaged in that duty for at least two hours.

"(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

"(c) The allowance authorized by this section may not be disbursed in kind and shall be paid to the member on or before the date on which the muster duty is performed. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

"(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"433. Allowance for muster duty.".

SEC. 503. THREE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS

(a) Grade Determination Authority for Certain Reserve Medical Officers.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) Promotion Authority for Certain Reserve Officers Serving on Active Duty.—(1) Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

10 USC 3380 note.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

10 USC 3380 note.

(3) An appointment referred to in paragraph (2) is an appointment under 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

Effective date.

(c) Years of Service for Mandatory Transfer to the Retired Reserve.—Effective as of October 1, 1989, section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR CERTAIN SINGLE PARENTS TO ENLIST IN RESERVE COMPONENTS

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 510 note) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1991".

SEC. 505. TWO-YEAR PROGRAM OF SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF SELECTED RESERVE

(a) Special Pay.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 308c the following new section:

"§ 308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units

Regulations. "(a) Under regulations prescribed by the Secretary of Defense, an enlisted member who is assigned to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force, as designated under subsection (b), and who performs inactive duty for training for compensation under section 206 of this title with such unit may be paid compensation, in addition to the compensation to which the member is otherwise entitled, in an amount not to exceed $10 for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least four hours, including any such instruction or duty performed on a Sunday or holiday.

"(b) The Secretary concerned may designate a unit, for the purposes of subsection (a) and under such terms and conditions as the Secretary considers appropriate, as a high priority unit if that unit has experienced, or reasonably might be expected to experience, critical personnel shortages. The Secretary may vacate a designation made under this subsection at any time he considers the designation no longer necessary.

"(c) Additional compensation may not be paid under this section for inactive duty performed after September 30, 1991.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 308c the following new item:

"308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units.".

10 USC 308d note. (b) Report.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the administration of the special pay program provided for in section 308d of title 37, United States Code, as added by subsection (a). The report shall be submitted not later than May 1, 1991, and shall include such comments and recommendations as the Secretary considers appropriate.

SEC. 506. MILITARY EDUCATION FOR CIVILIAN TECHNICIANS OF THE ARMY NATIONAL GUARD

10 USC 709 note. (a) Battle Skills Courses.—A civilian technician of the Army National Guard may not be denied a military promotion because of the failure of the technician to attend the Battle Skills Course if the technician has requested in writing to attend such a course and has not been selected to attend a course that would permit completion of the course within one year after such request. If a civilian technician receives a military promotion before the technician has completed the Battle Skills Course, the technician shall complete that course within one year after the date of the promotion.

(b) Treatment of Training Under Earlier Programs.—For purposes of any reserve component noncommissioned officers education program established for the training of civilian technicians of the Army National Guard, the Secretary of the Army shall accept as meeting the requirements of that program—

(1) training completed by a civilian technician before October 1, 1987, through courses known as—

(A) Primary Leadership Development courses;

(B) Basic Noncommissioned Officers courses; and

(C) Advanced Noncommissioned Officers courses; and

(2) an abbreviated course to update leadership training, knowledge of doctrine, and tactical skills.

(c) PLAN.—(1) The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to use State and National Guard Bureau regional academies by October 1, 1993, to provide the portion of the Reserve Component Noncommissioned Officers Education System specifically related to military occupational specialties. Such plan shall also identify personnel, funds, and other resources required to implement the plan.

(2) The Secretary of the Army shall submit the plan required by paragraph (1) not later than April 1, 1990.

(d) AMENDMENT.—Section 523 of Public Law 100-456 (102 Stat. 1974) is amended by striking out "shall" in subsections (a) and (c) and inserting in lieu thereof "may, at the technician's option,".

32 USC 709 note.

PART B—OTHER MATTERS

SEC. 511. INCREASE IN SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES AND THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

(a) UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2114(b) of title 10, United States Code, is amended by striking out "seven years" in the fourth sentence and inserting in lieu thereof "10 years".

(b) MILITARY ACADEMY.—Section 4348(a)(2)(B) of such title is amended by striking out "five years" and inserting in lieu thereof "six years".

(c) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out "five years" and inserting in lieu thereof "six years".

(d) AIR FORCE ACADEMY.—Section 9348 of such title is amended by striking out "five years" and inserting in lieu thereof "six years".

10 USC 2114 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to persons who are first admitted to the Uniformed Services University of the Health Sciences or one of the military service academies after December 31, 1991.

SEC. 512. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

(a) THREE-YEAR EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

10 USC 5721 note.

(b) SAVINGS PROVISION.—(1) The Secretary of the Navy shall provide, in the case of an officer appointed to the grade of lieutenant commander on or after the date of the enactment of this Act under an appointment described in paragraph (2), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(2) An appointment referred to in paragraph (1) is an appointment under 5721 of title 10, United States Code, that (as determined by the Secretary of the Navy) would have been made during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. TESTING OF NEW ENTRANTS FOR DRUG AND ALCOHOL ABUSE

(a) Authority To Test Before Accession.—Subsection (a) of section 978 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Secretary concerned shall require that, except as provided under paragraph (2), each person applying for an original enlistment or appointment in the armed forces shall be required, before becoming a member of the armed forces, to—

"(A) undergo testing (by practicable, scientifically supported means) for drug and alcohol use; and

"(B) be evaluated for drug and alcohol dependency.

"(2) The Secretary concerned may provide that, in lieu of undergoing the testing and evaluation described in paragraph (1) before becoming a member of the armed forces, a member of the armed forces under the Secretary's jurisdiction may be administered that testing and evaluation after the member's initial entry on active duty. In any such case, the testing and evaluation shall be carried out within 72 hours of the member's initial entry on active duty.".

(b) Conforming Amendments.—(1) Subsection (b) of such section is amended to read as follows:

"(b) A person who refuses to consent to testing and evaluation required by subsection (a) may not (unless that person subsequently consents to such testing and evaluation)—

"(1) be accepted for an original enlistment in the armed forces or given an original appointment as an officer in the armed forces; or

"(2) if such person is already a member of the armed forces, be retained in the armed forces.

An original appointment of any such person as an officer shall be terminated.".

(2) Subsection (c) of such section is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting at the beginning of the subsection the following new paragraph (1):

"(1) A person determined, as the result of testing conducted under subsection (a)(1), to be dependent on drugs or alcohol shall be denied entrance into the armed forces.";

(C) in paragraph (2) (as so redesignated), by striking out "subsection (a)(1)(B)" and inserting in lieu thereof "subsection (a)(2)"; and

(D) in paragraph (3) (as so redesignated)—

(i) by inserting "who is denied entrance into the armed forces under paragraph (1), or a" after "A person"; and

(ii) by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (2),".

(c) Excess Leave Status for Persons Testing Positive.—Subsection (c) of such section, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(4) The Secretary concerned may place on excess leave any member of the armed forces whose test results under subsection (a)(2) are positive for drug or alcohol use. The Secretary may continue such member's status on excess leave pending disposition of the member's case and processing for administrative separation.".

(d) Transition Provision.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1989.

Effective date.
10 USC 978 note.

SEC. 514. CORRECTION OF MILITARY RECORDS CONCERNING PROMOTIONS AND ENLISTMENTS OF ENLISTED MEMBERS

(a) Authority of Service Secretaries.—Subsection (a) of section 1552 of title 10, United States Code, is amended to read as follows:

"(a)(1) The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. Except as provided in paragraph (2), such corrections shall be made by the Secretary acting through boards of civilians of the executive part of that military department. The Secretary of Transportation may in the same manner correct any military record of the Coast Guard.

"(2) The Secretary concerned is not required to act through a board in the case of the correction of a military record announcing a decision that a person is not eligible to enlist (or reenlist) or is not accepted for enlistment (or reenlistment) or announcing a decision not to promote an enlisted member to a higher grade. Such a correction may be made only if the correction is favorable to the person concerned.

"(3) Corrections under this section shall be made under procedures established by the Secretary concerned. In the case of the Secretary of a military department, those procedures must be approved by the Secretary of Defense.

"(4) Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.".

(b) Time for Request for Correction.—Subsection (b) of such section is amended by striking out "subsection (a)" both places it appears and inserting in lieu thereof "subsection (a)(1)".

SEC. 515. TITLE OF ADMISSIONS OFFICER OF UNITED STATES AIR FORCE ACADEMY

(a) Change in Title of Registrar.—Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9331(b)(6) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(2) Section 9333(c) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(3) Section 9334(b) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(4) Section 9336(b) is amended by striking out "registrar" each place it appears and inserting in lieu thereof "director of admissions".

(b) Clerical Amendments.—(1) The heading of section 9336 of such title is amended to read as follows:

"§ 9336. Permanent professors; director of admissions".

(2) The item relating to such section in the table of sections at the beginning of chapter 903 of such title is amended to read as follows:

"9336. Permanent professors; director of admissions.".

SEC. 516. ELIGIBILITY FOR PRISONER OF WAR MEDAL

(a) Extension to Members Held by Hostile Forces.—Section 1128(a) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(4) by foreign armed forces that are hostile to the United States, under circumstances which the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces during periods of armed conflict.".

10 USC 1128 note.

(b) EFFECTIVE DATE.—Paragraph (4) of section 1128(a) of title 10, United States Code, as added by subsection (a), applies with respect to periods of captivity after April 5, 1917.

SEC. 517. GAO REPORT ON TECHNICAL TRAINING FOR RECRUITS AND MEMBERS OF THE RESERVE COMPONENTS

(a) REPORT REGARDING PROVISION OF TECHNICAL TRAINING.—The Comptroller General of the United States shall prepare a report on various options for providing technical training for military recruits and members of the reserve components. The report shall evaluate the practicality and desirability of—

(1) providing persons who desire to enlist in the Armed Forces with technical training either before enlistment or immediately after enlistment;

(2) using civilian institutions of higher education and vocational schools to provide such training; and

(3) using civilian institutions of higher education and vocational schools to provide training in individual technical skills for members of the reserve components.

(b) MATTERS TO BE INCLUDED IN REPORT.—The report required by subsection (a) shall include the following:

(1) A comparison of (A) technical skills training provided by the Armed Forces, with (B) technical skills training available in civilian institutions of higher education and vocational schools.

(2) A description of a program by which a person eligible for enlistment in the Armed Forces would receive technical training in, or under contract with, an institution of higher education or vocational school (and a stipend to pursue such training) (A) before enlistment in exchange for a commitment to serve in the Armed Forces, or (B) immediately after basic training.

(3) A description of any personnel savings and other savings that could result from the implementation of such a program.

(4) A description of a program by which institutions of higher education and vocational schools would enhance the readiness of the reserve components by supplementing active-duty individual skills training.

(5) A description of the specific training improvements, if any, that could result from the implementation of such a program.

(6) A description of a demonstration project to test such a program, on a limited basis as determined in consultation with the Secretary of Defense, together with a description of the cost of such demonstration project.

(c) SUBMISSION OF REPORT.—The Comptroller General shall submit the report required by subsection (a) to the Committees on Armed Services of the Senate and House of Representatives not later than February 1, 1991.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "technical training" means training in noncombat skills in technical fields, including electricity, machinery, welding, surveying, journalism, and photography.

(2) The terms "institution of higher education" and "vocational school" have the meanings given those terms in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085).

SEC. 518. PROVISION OF OFF-DUTY POSTSECONDARY EDUCATION SERVICES OVERSEAS

Section 1212 of the Department of Defense Authorization Act, 1986 (10 U.S.C. 113 note), is amended—

(1) by striking out subsections (c) and (e); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary of Defense shall conduct a study to determine the current and future needs of members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees for postsecondary education services at overseas locations. The Secretary shall determine on the basis of the results of that study whether the policies and procedures of the Department in effect on the date of the enactment of the Department of Defense Authorization Act for Fiscal Years 1990 and 1991 with respect to the procurement of such services are—

"(A) consistent with the provisions of subsections (a) and (b);

"(B) adequate to ensure the recipients of such services the benefit of a choice in the offering of such services; and

"(C) adequate to ensure that persons stationed at geographically isolated military installations or at installations with small complements of military personnel are adequately served.

The Secretary shall complete the study in such time as necessary to enable the Secretary to submit the report required by paragraph (2)(A) by the deadline specified in that paragraph.

Reports.

"(2)(A) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study referred to in paragraph (1), together with a copy of any revisions in policies and procedures made as a result of such study. The report shall be submitted not later than March 1, 1990.

"(B) The Secretary shall include in the report an explanation of how determinations are made with regard to—

"(i) affording members, employees, and dependents a choice in the offering of courses of postsecondary education; and

"(ii) whether the services provided under a contract for such services should be limited to an installation, theater, or other geographic area.

"(3)(A) Except as provided in subparagraph (B), no contract for the provision of services referred to in subsection (a) may be awarded, and no contract or agreement entered into before the date of the enactment of this paragraph may be renewed or extended on or after such date, until the end of the 60-day period beginning on the date on which the report referred to in paragraph (2)(A) is received by the committees named in that paragraph.

"(B) A contract or an agreement in effect on October 1, 1989, for the provision of postsecondary education services in the European Theater for members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees may be renewed or extended without regard to the limitation in subparagraph (A).

"(C) In the case of a contract for services with respect to which a solicitation is pending on the date of the enactment of this paragraph, the contract may be awarded—

"(i) on the basis of the solicitation as issued before the date of the enactment of this paragraph;

"(ii) on the basis of the solicitation issued before the date of the enactment of this paragraph modified so as to conform to any changes in policies and procedures the Secretary determines should be made as a result of the study required under paragraph (1); or

"(iii) on the basis of a new solicitation.".

SEC. 519. MATTERS TO BE CONSIDERED BY PROMOTION BOARDS IN CASE OF OFFICERS IN HEALTH PROFESSIONS COMPETITIVE CATEGORIES

Section 615 of title 10, United States Code, is amended by adding at the end the following new subsection:

Regulations.

"(d) The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a selection board convened under section 611(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.".

SEC. 520. REPORT ON CONSTRUCTIVE CREDIT FOR NURSES

(a) REPORT REQUIREMENT.—The Secretary of Defense shall prepare a report on the awarding of constructive credit to military nurses for education, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any inequities which the Secretary considers that such provisions may have created. If the Secretary determines that any such inequities have been created, the report shall include recommendations by the Secretary for ways to eliminate or reduce those inequities.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1990.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1990

37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

37 USC 1009 note.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.

Effective date. (c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1990, section 203(c)(1) of title 37, United States Code, is amended by striking out "$525" and inserting in lieu thereof "$543.90".

SEC. 602. LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE

(a) LIMITATION.—Section 403a(c)(2) of title 37, United States Code, is amended by inserting before the period the following: ", except that the monthly amount of a variable housing allowance for a member may not be reduced to the extent that the total of basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance of the member is reduced, as a result of such a reduction, below the monthly total of those items for the month preceding the effective date of the most recent increase in the rate of basic pay of the member".

37 USC 403a note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. INCREASE IN SELECTIVE REENLISTMENT BONUS

(a) INCREASE IN SELECTIVE REENLISTMENT BONUS.—Section 308(a) of title 37, United States Code, is amended—

(1) by striking out "paid a bonus," in paragraph (1) and all that follows in that paragraph and inserting in lieu thereof "paid a bonus as provided in paragraph (2).";

(2) by redesignating paragraph (2) as paragraph (4) and in that paragraph striking out "of this subsection"; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) The bonus to be paid under paragraph (1) may not exceed the lesser of the following amounts:

"(A) The amount equal to the product of—

"(i) ten times the monthly rate of basic pay to which the member was entitled at the time of the discharge or release of the member; and

"(ii) the number of years (or the monthly fractions thereof) of the term of reenlistment or extension of enlistment, not to exceed six.

"(B) $45,000.

"(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 16 years may not be used in computing a bonus under paragraph (2)(A).".

37 USC 308 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reenlistment and extension of enlistment agreements entered into under section 308(a) of title 37, United States Code, after September 30, 1989.

SEC. 612. ENLISTMENT BONUS FOR MEMBERS IN SKILLS DESIGNATED AS CRITICAL

(a) INCREASE IN AUTHORIZED BONUS AND FIRST INSTALLMENT.—Section 308a(a) of title 37, United States Code, is amended—

(1) by striking out "$8,000" in the first sentence and inserting in lieu thereof "$12,000"; and

(2) by striking out "$5,000" in the second sentence and inserting in lieu thereof "$7,000".

37 USC 308a note.

(b) LIMITATION ON PAYMENTS.—The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed $66,400,000.

37 USC 308a note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to an enlistment or extension of an initial period of active duty (in a skill designated as critical) entered into on or after October 1, 1989.

SEC. 613. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES

Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

SEC. 614. EXTENSION OF SPECIAL PAY PROGRAMS FOR NUCLEAR-QUALIFIED OFFICERS

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(b) ACCESSION BONUS.—Section 312b(d) of such title is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(c) ANNUAL INCENTIVE BONUS.—Section 312c of such title is amended—

(1) by striking out "ending before October 1, 1990" in subsections (a)(1) and (b)(1); and

(2) by striking out "October 1, 1990" in subsection (e) and inserting in lieu thereof "October 1, 1995".

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. REIMBURSEMENT FOR CERTAIN FEES INCURRED IN TRAVEL

(a) REIMBURSEMENT AUTHORIZED.—Section 404 of title 37, United States Code, is amended by adding at the end the following new subsection:

Regulations.

"(i) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) is entitled to reimbursement for parking fees, ferry fares, and bridge, road, and tunnel tolls actually incurred incident to such travel.".

37 USC 404 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to travel and transportation commenced after the date of the enactment of this Act.

SEC. 622. LUMP-SUM PAYMENT OF OVERSEAS HOUSING COSTS

(a) PAYMENTS AUTHORIZED.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to expenses incurred after August 31, 1990. 37 USC 405 note.

SEC. 623. CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD EFFECTS

(a) Waiver for Substantial Hardship.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(D) In connection with the change of temporary or permanent station of a member in a pay grade below pay grade O-6, the Secretary concerned may authorize a higher weight allowance than the weight allowance determined under subparagraph (C) for the member if the Secretary concerned determines that the application of the weight allowance determined under such subparagraph would result in significant hardship to the member or the dependents of the member. An increase in weight allowance under this subparagraph may not result in a weight allowance exceeding the weight allowance specified in subparagraph (C) for pay grades O-6 to O-10. The Secretary of Defense shall prescribe regulations to carry out this subparagraph.". Regulations.

(b) Technical Amendment.—Subparagraph (C) of such section is amended by inserting "in pounds" after "weight allowance" in the matter preceding the table.

(c) Effective Date.—The authority provided in subparagraph (D), as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989. 37 USC 406 note.

SEC. 624. TRAVEL ENTITLEMENT FOR MEMBERS ASSIGNED TO A VESSEL UNDER CONSTRUCTION

(a) Authorization for Travel Allowance.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 406b the following new section:

"§ 406c. Travel and transportation allowances: members assigned to a vessel under construction

"(a) Allowance Authorized.—(1) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than— Regulations.

"(A) the designated home port of the ship; or

"(B) the area where the dependents of the member are residing,

is entitled to transportation, or an allowance for transportation under section 404(d)(3) of this title, for round-trip travel from the port of construction to either of those locations as provided in paragraph (2).

"(2) A member referred to in paragraph (1) shall be entitled to such transportation or allowance on or after the thirty-first day (and every sixtieth day after the thirty-first day) after the later of—

"(A) the date on which the ship enters the construction port; and

"(B) the date on which the member becomes permanently assigned to the ship.

"(3) The amount of reimbursement for personally procured transportation or the allowance for transportation under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

"(b) DEPENDENTS TRAVEL.—(1) In lieu of the entitlement of a member of the uniformed services to transportation under subsection (a), the Secretary concerned may provide transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title for the travel of the dependents of the member from the location that was the home port of the ship before commencement of construction to the port of construction.

"(2) The total reimbursement for transportation for the member's dependents under paragraph (1) may not exceed the cost of Government-procured commercial round-trip travel.

"(c) CHANGE OF HOME PORT.—In any case in which a member of the uniformed services assigned to permanent duty aboard a ship that undergoes a change of home port to the port at which the ship is being constructed, the dependents of such member may be provided the transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.

"(d) APPLICATION OF OTHER LAW.—Section 420 of this title does not apply with respect to transportation or allowances provided under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 406b the following new item:

"406c. Travel and transportation allowances: members assigned to a vessel under construction.".

(b) CLARIFYING AMENDMENT.—Subsection (c) of section 406b of such title is amended to read as follows:

"(c) In any case in which a member of the uniformed services is assigned to permanent duty aboard a ship that undergoes a change of home port to the overhaul or inactivation port, the dependents of the member may be provided transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.".

SEC. 625. STUDENT TRAVEL AUTHORIZED FOR DEPENDENTS OF MEMBERS IN ALASKA AND HAWAII

(a) AUTHORIZATION FOR DEPENDENT CHILDREN.—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "United States" in paragraphs (1) and (3) and inserting in lieu thereof "continental United States"; and

(B) by striking out "oversea" in paragraph (2);

(2) in subsection (b)—

(A) by striking out "United States" each place it appears and inserting in lieu thereof "continental United States"; and

(B) by striking out "in the oversea area" and inserting in lieu thereof "outside the continental United States"; and

(3) by adding at the end the following new subsections:

"(d) For a member assigned to duty outside the continental United States, transportation under this section may be provided a dependent child as described in subsection (a)(3) who is attending a school in Alaska or Hawaii.

"(e) The transportation allowance authorized by this section (whether transportation in kind or reimbursement) may not be paid in the case of a member assigned to a permanent duty station in Alaska or Hawaii for a child attending a school in the State of the permanent duty station.

"(f) In this section, the term 'continental United States' means the 48 contiguous States and the District of Columbia.".

37 USC 430 note.

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to travel and transportation commenced after the date of the enactment of this Act.

Part D—Military Aviators

SEC. 631. AVIATION CAREER INCENTIVE PAY

(a) Entitlement Requirements.—Subsection (a)(4) of section 301a of title 37, United States Code, is amended—

(1) by striking out "6 of the first 12, and 11 of the first 18 years of his aviation service." in the first sentence and inserting in lieu thereof "9 of the first 12, and 12 of the first 18 years of the aviation service of the officer.";

(2) by striking out "at least 9 but less than 11 of the first 18 years of his aviation service, he" in the second sentence and inserting in lieu thereof "at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer"; and

(3) by striking out "his officer service" in the second sentence and inserting in lieu thereof "the officer's service as an officer".

(b) Waiver of Entitlement Requirements by the Secretary Concerned.—Subsection (a)(5) of such section is amended by inserting after the first sentence the following new sentence: "For the needs of the service, the Secretary concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service.".

(c) Monthly Rates.—(1) Subsection (b)(1) of such section is amended—

(A) by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650"; and

(B) by striking out the portion of the table designated as Phase II and inserting in lieu thereof the following:

"Phase II

"Years of service as an officer:	Monthly rate:
Over 18	$585
Over 20	495
Over 22	385
Over 25	250".

(2) Subsection (b)(2) of such section is amended by striking out "400" in the table and inserting in lieu thereof "650".

(d) REPORT ON NUMBER OF OFFICERS RECEIVING A WAIVER.—Such section is further amended by adding at the end the following new subsection:

"(f) The Secretary of Defense shall submit annually to Congress a report specifying for the year covered by the report—

"(1) the total number of officers who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

"(2) the number of those officers who continued to receive continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

"(3) the reasons for the exercise of the authority under the second sentence of subsection (a)(5) in the case of each officer specified pursuant to paragraph (2).".

37 USC 301a note.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made—

(A) by subsection (c) shall take effect on the date of the enactment of this Act; and

(B) by subsections (a), (b), and (d) shall take effect on October 1, 1991.

(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendments made by subsection (c) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of those amendments is necessary to meet the needs of that department.

(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendments made by subsection (c) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (d) until the date on which the Secretary implements the amendments made by subsection (c). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of such department to the payment of aviation career incentive pay under such section.

37 USC 301a note.

(f) TRANSITION.—(1) An officer of a uniformed service who, as of the date the amendments made by subsections (a), (b), and (d) take effect with regard to the officer's uniformed service—

(A) has completed years of aviation service in an amount equal to one of the number of years of aviation service specified in column 1 of the following table; and

(B) has performed, or subsequently performs, the prescribed operational flying duties (including flight training but excluding proficiency flying) during the number of years of aviation service specified in column 2 of such table and corresponding to the number of years of aviation service applicable to the officer under column 1,

shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section) until the officer completes the years of service as an officer specified in column 3 of such table and applicable to the officer.

TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Number of years of aviation service	Number of years performing operational flying duty	Entitlement to continuous monthly incentive pay through the following year of officer service
6 or more	At least 6 of the first 12 years of aviation service	18
6 or more	At least 9 but less than 11 of the first 18 years of aviation service	22
6 or more	At least 6 of the first 12 and at least 11 of the first 18 years of aviation service	25
At least 6 but less than 12	Less than 6 and subsequently completes 6 of the first 12 and 9 of the first 15 years of aviation service	18
At least 12 but less than 18	Less than 9 and subsequently completes 9 of the first 18 years of aviation service	22
At least 12 but less than 18	Less than 11 and subsequently completes 11 of the first 18 years of aviation service	25

(2) For purposes of this subsection, the terms "operational flying duty" and "proficiency flying duty" have the meaning given to such terms in section 301a(a)(6) of title 37, United States Code.

SEC. 632. AVIATOR RETENTION BONUSES

(a) EXTENSION AND CODIFICATION OF CURRENT PROGRAM.—Section 301b of title 37, United States Code, is amended to read as follows:

"§ 301b. Special pay: aviation career officers extending period of active duty

"(a) BONUS AUTHORIZED.—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, 1991, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) COVERED OFFICERS.—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of this title;

"(2) is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty;

"(3) is in a pay grade below pay grade 0-6;

"(4) is qualified to perform operational flying duty;

"(5) has completed at least six but less than 13 years of active duty; and

"(6) has completed any active duty service commitment incurred for undergraduate aviator training.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than—

"(1) $12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

"(2) $6,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one or two years.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of commissioned service.

"(e) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1989.

"(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(i) REPORTS.—(1) Not later than February 15 of each year, the Secretaries concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators. Each report shall include—

"(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2);

"(B) a description of the increase in the retention of qualified aviators as a result of the program; and

"(C) an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

"(j) Limitation on Payments for Fiscal Year 1990.—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed $78,000,000.

"(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed $30,000,000.

"(k) Definitions.—In this section:

"(1) The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

"(2) The term 'aviation specialty' means a community of pilots identified by type of aircraft or weapon system or a community of other designated aeronautical officers so identified.

"(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b).

"(4) The term 'operational flying duty' has the meaning given such term in section 301a(a)(6)(A) of this title.".

(b) Conforming Amendment.—Section 611 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1977), is amended by striking out subsection (e).

37 USC 301b note.

(c) Agreements Entered Into Under the Former Law.—(1) The amendment made by subsection (a) shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the officer's years of aviation service or years of service as an officer.

37 USC 301b note.

(d) Coverage of Period of Lapsed Authority.—(1) In the case of an aviation officer described in paragraph (2) who executes an agreement under section 301b of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may deem such agreement to have been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1989.

(2) An aviation officer referred to in paragraph (1) is an officer who, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by subsection (a) taken effect on October 1, 1989.

(3) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term by section 101(5) of title 37, United States Code.

SEC. 633. REDUCTION IN NONOPERATIONAL FLYING DUTY POSITIONS

(a) Reductions Required.—(1) Not later than September 30, 1991, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces to a number equal to not more than 98 percent of the total number of such positions in existence on September 30, 1989.

(2) Not later than September 30, 1992, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces to a number equal to not more than 95 percent of the total number of such positions in existence on September 30, 1989.

(b) Limitation on Increases in Nonoperational Flying Duty Positions.—No increase in the number of nonoperational flying duty positions in the Armed Forces (as a percentage of all flying duty positions in the Armed Forces) may be made after September 30, 1992, unless the increase is specifically authorized by law.

(c) Definitions.—For purposes of this section:

(1) The term "Armed Forces" does not include the Coast Guard.

(2) The term "nonoperational flying duty position" means a position in a military department identified by the Secretary of that department as a position that—

(A) requires the assignment of an aviator; and

(B) does not include operational flying duty (as defined in section 301a(6)(A) of title 37, United States Code).

SEC. 634. MINIMUM SERVICE REQUIREMENT FOR AVIATORS

(a) In General.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 653. Minimum service requirement for certain flight crew positions

"(a) Pilots.—The minimum active duty obligation of any member who successfully completes training in the armed forces as a pilot shall be 8 years, if the member is trained to fly fixed-wing jet aircraft, and 6 years, if the member is trained to fly any other type of aircraft.

"(b) Navigators and Naval Flight Officers.—The minimum active duty obligation of any member who successfully completes training in the armed forces as a navigator or naval flight officer shall be 6 years.

"(c) Definition.—In this section, the term 'active duty obligation' means the period of active duty required to be served after—

"(1) completion of undergraduate pilot training in the case of training as a pilot;

"(2) completion of undergraduate navigator training in the case of training as a navigator; or

"(3) completion of undergraduate training as a naval flight officer in the case of training as a naval flight officer.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"653. Minimum service requirement for certain flight crew positions.".

10 USC 653 note. (b) Effective Date.—(1) Except as provided in paragraphs (2) and (3), section 653 of title 10, United States Code, as added by subsection (a)(1), shall apply to persons who begin undergraduate pilot training, undergraduate navigator training, or undergraduate naval flight officer training, as the case may be, after September 30, 1990.

(2) Such section shall apply to persons who graduate from the United States Military Academy, the United States Naval Academy,

the United States Air Force Academy, and the Coast Guard Academy after December 31, 1991, and to persons who satisfactorily complete the academic and military requirements of the Senior Reserve Officers' Training Corps program (provided for in chapter 103 of title 10, United States Code) after December 31, 1991.

(3) The minimum service requirements provided for such section shall not apply in the case of any person who entered into an agreement with the Secretary concerned before October 1, 1990, and who is obligated under the terms of such agreement to serve on active duty for a period less than the applicable period specified in section 653 of such title.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(8) of title 10, United States Code.

SEC. 635. REPORT ON LIFE INSURANCE

(a) Report Required.—Not later than November 15, 1990, the Secretary of Defense shall submit to the Congress a report evaluating the adequacy of the current Servicemen's Group Life Insurance program and the practicability and desirability of providing an accidental death insurance plan for aviators and other aviation crew members serving on active duty that provides for the payment of death benefits in the amount of $100,000 for death resulting directly from the performance of operational flying duty. The report shall include a legislative proposal containing the recommendations of the Secretary following such evaluation and a recommendation on the advisability of providing an accidental death insurance plan for other members of the Armed Forces on active duty in an occupational specialty characterized as hazardous.

(b) Definition.—For purposes of subsection (a), the term "operational flying duty" has the meaning given to that term in section 301a(a)(6)(A) of title 37, United States Code.

SEC. 636. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES

Not later than September 15, 1990, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the aviator assignment policies and practices of the Armed Forces. The report shall include an analysis of the effectiveness and efficiency of the aviator assignment policies and practices of the Armed Forces, including an analysis of the policies and practices followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

SEC. 637. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COMMISSION TO CONDUCT A STUDY ON THE NATIONAL SHORTAGE OF AVIATORS

(a) Establishment of Commission.—In view of the critical shortage of qualified aviators in both the Armed Forces and in the commercial airline industry of the United States, it is the sense of Congress that the President should establish a commission to study the reasons for such shortages and to consider effective and practicable means of eliminating the shortages.

(b) Members of the Commission.—A commission established by the President pursuant to subsection (a) should include as members—

(1) representatives from the commercial airline industry;

(2) representatives from the commercial and general aviation pilots organizations;

(3) representatives from the Department of Defense;

(4) representatives from the Department of Transportation; and

(5) representatives from such other sources as the President considers appropriate.

(c) Time of Appointment.—The President should appoint all members of the commission not later than February 15, 1990.

(d) Report.—The commission should submit a report on the results of its study to the President and Congress not later than March 1, 1991, together with specific recommendations for eliminating the shortage of aviators in the United States.

Part E—Montgomery GI Bill Amendments

SEC. 641. INCREASE IN AMOUNT PAYABLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES

Section 1415(c) of title 38, United States Code, is amended by striking out "$400 per month" and inserting in lieu thereof "$400 per month, in the case of an individual who first became a member of the Armed Forces before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991, or $700 per month, in the case of an individual who first became a member of the Armed Forces on or after that date".

SEC. 642. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE-COMPONENT GI BILL

(a) In General.—Section 2131(c)(1) of title 10, United States Code, is amended to read as follows:

"(c)(1) Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38 other than a program of education in a course of instruction beyond the baccalaureate degree level.".

(b) Amount of Assistance.—Section 2131 of such title is amended—

(1) in subsection (b)—

(A) by striking out "Each" and inserting in lieu thereof "Except as provided in subsections (d) through (f), each"; and

(B) by inserting ", through the Secretary of Veterans Affairs," after "Secretary concerned"; and

(2) by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this chapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this chapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this chapter, the person's entitlement under this chapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e)(1) The amount of the monthly educational assistance allowance payable to a person pursuing a cooperative program under this chapter shall be 80 percent of the monthly allowance otherwise payable to such person under this chapter.

"(2) For each month that a person is paid a monthly educational assistance allowance for pursuit of a cooperative program under this chapter, the person's entitlement under this chapter shall be charged at the rate of 80 percent of a month.

"(f)(1)(A) The amount of the educational assistance allowance payable under this chapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each $140 which is paid to the individual as an educational assistance allowance.".

(c) Conforming Amendments.—Section 2136(b) of such title is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this chapter, the provisions of sections 1434(b), 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(c), 1780(g), 1786(a), 1787, and 1792)

shall be applicable to the provision of educational assistance under this chapter.”; and

(2) by striking out “, as used” in the second sentence and inserting in lieu thereof “and the term ‘a person’, as used”.

10 USC 2131 note.

(d) Effective Date.—The amendments made by this section shall apply with respect to any person who after September 30, 1990, meets the requirements set forth in subparagraph (A) or (B) of section 2132(a)(1) of title 10, United States Code.

SEC. 643. LIMITATION OF ACTIVE GUARD AND RESERVE PERSONNEL TO ACTIVE-DUTY PROGRAM

(a) Limitation.—Section 2132(d) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, a person may not receive credit under the program established by this chapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(b)(1)(A)(ii) of this title.”.

10 USC 2131 note.

(b) Savings Provision.—The amendment made by subsection (a) shall not affect the eligibility for educational assistance of any person who before the date of the enactment of this Act is entitled to educational assistance under section 2131(a) of title 10, United States Code.

SEC. 644. REPORT ON IMPOSITION OF CONTRIBUTION REQUIREMENT FOR PARTICIPATION IN CHAPTER 106 PROGRAM

Not later than March 15, 1990, the Secretary of Defense shall submit to Congress a report setting forth the views of the Secretary on the desirability and the practicability of requiring members of the reserve components, as a condition of participating in the educational assistance program under chapter 106 of title 10, United States Code, to sustain a reduction in pay in the same manner as applies to members of the Armed Forces on active duty who participate in the educational assistance program under chapter 30 of title 38, United States Code.

SEC. 645. TECHNICAL AMENDMENTS

(a) References to Administrator of Veterans' Affairs.—Chapter 106 of title 10, United States Code, is amended—

(1) by striking out “Administrator of Veterans' Affairs” in sections 2131(b)(4), 2132(c), 2132(d), and 2136(a) and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(2) by striking out “to the Administrator” in section 2132(c) and inserting in lieu thereof “to that Secretary”.

(b) Other Technical Amendments.—(1) Section 2131(b) of such title is amended by striking out “and educational” in the matter preceding paragraph (1) and inserting in lieu thereof “of an educational”.

(2) Section 2132(d) of such title is amended by striking out “An individual” and inserting in lieu thereof “A person”.

PART F—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

SEC. 651. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (c)";

(2) by striking out subsections (c), (e), (f) and (g);

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS ENTITLED TO RETIRED OR RETAINER PAY FOR REGULAR SERVICE.—

"(1) GENERAL RULE.—The high-three average of a member entitled to retired or retainer pay under any provision of law other than section 1204 or 1205 or section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled for the 36 months (whether or not consecutive) out of all the months of active service of the member for which the monthly basic pay to which the member was entitled was the highest, divided by

"(B) 36.

"(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1202 of this title and who has completed less than 36 months of active service, the member's high-three average (notwithstanding paragraph (1)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the period of the member's active service, divided by

"(B) the number of months (including any fraction thereof) of the member's active service.

"(d) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS AND FORMER MEMBERS ENTITLED TO RETIRED PAY FOR NONREGULAR SERVICE.—

"(1) RETIRED PAY UNDER CHAPTER 67.—The high-three average of a member or former member entitled to retired pay under section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member or former member was entitled during the member or former member's high-36 months (or to which the member or former member would have been entitled if the member or former member had served on active duty during the entire period of the member or former member's high-36 months), divided by

"(B) 36.

"(2) NONREGULAR SERVICE DISABILITY RETIRED PAY.—The high-three average of a member entitled to retired pay under section 1204 or 1205 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled during the member's high-36 months (or to which the member would have been entitled if the member had served on active duty during the entire period of the member's high-36 months), divided by

"(B) 36.

"(3) Special rule for short-term disability retirees.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title and who was a member for less than 36 months before being retired under that section, the member's high-three average (notwithstanding paragraph (2)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the entire period the member was a member of a uniformed service before being so retired (or to which the member would have been entitled if the member had served on active duty during the entire period the member was a member of a uniformed service before being so retired), divided by

"(B) the number of months (including any fraction thereof) which the member was a member before being so retired.

"(4) High-36 months.—The high-36 months of a member or former member whose retired pay is covered by paragraph (1) or (2) are the 36 months (whether or not consecutive) out of all the months before the member or former member became entitled to retired pay for which the monthly basic pay to which the member or former member was entitled (or would have been entitled if serving on active duty during those months) was the highest. In the case of a former member, only months during which the former member was a member of a uniformed service may be used for purposes of the preceding sentence.".

(b) Clarification of Applicability of Provisions to Former Members Entitled to Retired Pay.—Chapter 71 of title 10, United States Code, is amended as follows:

(1) Section 1401a is amended—

(A) in subsection (b)(3), by inserting "and former member" after "member" the first place it appears;

(B) in subsection (e), by inserting "or former member" after "member" the first and third places it appears; and

(C) in subsection (f), by inserting "or former member" in the second sentence after "member".

(2) Section 1407(b) is amended by striking out "member" and "member's" and inserting in lieu thereof "person" and "person's", respectively.

(3) Section 1409(a)(1) is amended by striking out "who is retired" and inserting in lieu thereof "who is entitled to that pay".

(4) Section 1410 is amended—

(A) in the matter preceding paragraph (1), by inserting "or former member" after "member" each place (other than the second place) it appears; and

(B) in paragraph (1), by striking out "member's retired pay" and inserting in lieu thereof "retired pay of the member or former member".

(c) Payments From Military Retirement Fund.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking out "persons" and inserting in lieu thereof "members";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) retired pay payable under chapter 67 of this title to former members of the armed forces (other than retired pay payable by the Secretary of Transportation);".

(d) Clarification of Entitlement of Retired Reservists for Service Performed While in Retired Status.—Section 675 of title 10, United States Code, is amended by adding at the end the following: "A member of the Ready Reserve (other than a member transferred to the Retired Reserve under section 1001(b) of this title) who is ordered to active duty or other appropriate duty in a retired status may be credited under chapter 67 of this title with service performed pursuant to such order. A member in a retired status is not eligible for promotion (or for consideration for promotion) as a Reserve.".

SEC. 652. REPEAL OF CERTAIN OBSOLETE AND EXPIRED PROVISIONS

(a) Title 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 971(a) is amended by striking out ", under an appointment accepted after June 25, 1956,".

(B) The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an appointment as a cadet or midshipman accepted before June 26, 1956. 10 USC 971 note.

(2) Section 971(b) is amended—

(A) in paragraph (1), by striking out ", if he was appointed as a midshipman or cadet after March 4, 1913"; and

(B) in paragraph (2), by striking out ", if he was appointed as a midshipman or cadet after August 24, 1912".

(3) Section 1482(e) is amended by striking out "the effective date of this subsection, or the date of death," and inserting in lieu thereof "the date of death".

(4) Sections 3014(f), 5014(f), and 8014(f) are each amended by striking out paragraph (5).

(5) Section 6330(a) is amended by striking out "under—" and all that follows through "this section." and inserting in lieu thereof "under this section.".

(6) Section 8925(a) is amended by striking out "and service computed under section 8683 of this title".

(7) Section 8926 is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1);

(ii) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(iii) by striking out paragraphs (3) and (4); and

(B) by striking out subsection (d).

(b) Title 37.—Title 37, United States Code, is amended as follows:

(1) Sections 308b(e) and 308c(e) are each amended by striking out the second sentence.

(2) Section 308c(a) is amended by striking out ", after September 30, 1978,".

SEC. 653. OTHER TECHNICAL AND CLERICAL AMENDMENTS

(a) Amendments for Stylistic Consistency.—Title 10, United States Code, is amended as follows:

(1) Section 502 is amended by striking out "or affirmation".

(2) Section 603(f) is amended—

(A) by striking out "terminates—" and inserting in lieu thereof "terminates on the earliest of the following:";

(B) by striking out "on the" in paragraph (1) and inserting in lieu thereof "The";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out "at the" in paragraph (2) and inserting in lieu thereof "The";

(E) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;

(F) by striking out "on the" in paragraph (3) and inserting in lieu thereof "The"; and

(G) by striking out the semicolon at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.

(3) Section 671b(a) is amended by striking out "Armed Forces of the United States" and inserting in lieu thereof "armed forces".

(4) Section 1076(e)(3)(C) is amended by striking out "1 year" and inserting in lieu thereof "one year".

(5) Section 1408(a) is amended—

(A) by striking out "(26 U.S.C. 3402(i))" in paragraph (4)(D); and

(B) by inserting "entitled to retired pay under section 1331 of this title" in paragraph (5) after "a former member".

(6) Section 1482(a) is amended—

(A) by striking out "expenses of—" and inserting in lieu thereof "expenses of the following:";

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);

(C) by striking out the semicolon at the end of paragraphs (1) through (9) and inserting in lieu thereof a period;

(D) by striking out "; and" at the end of paragraph (10) and inserting in lieu thereof a period; and

(E) in paragraph (11)—

(i) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph"; and

(ii) by striking out "decedent; for the" and inserting in lieu thereof "decedent. For the".

(b) Correction of Table Heading.—Section 305a(b) of title 37, United States Code, is amended by inserting "COMMISSIONED" before "OFFICERS" in the heading of the table in that subsection relating to officers in pay grades O–1 through O–6.

(c) Corrections to Amendments Made by Public Law 100–456.—(1) Section 411g(a) of title 37, United States Code, is amended by striking out "to" after "may be paid".

(2) Section 419 of such title is amended—

(A) by striking out "a officer" both places it appears and inserting in lieu thereof "an officer"; and

(B) by striking out "to" after "may be paid".

(d) Punctuation Amendment.—Section 209(c) of title 37, United States Code, is amended by striking out the period after "title 10" the first place it appears.

(e) Cross Reference Corrections.—(1) Section 1094(c)(2) of title 10, United States Code, is amended by striking out "subsections (b) and (d) through (g)" and inserting in lieu thereof "subsections (c) and (e) through (h)".

(2) Section 403(b)(1)(B) of Public Law 99-661 (10 U.S.C. 521 note) is amended by striking out "3033," and "8033," and inserting in lieu thereof "3021," and "8021,", respectively.

(f) Date of Enactment Reference.—Section 1102(j)(1) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting In lieu thereof "November 14, 1986".

(g) Reference to the Canal Zone.—Section 708(a) of title 32, United States Code, is amended by striking out "governor of each State and Territory, Puerto Rico, and the Canal Zone" and inserting in lieu thereof "Governor of each State or Territory and Puerto Rico".

Part G—Miscellaneous

SEC. 661. MILITARY RELOCATION ASSISTANCE PROGRAMS

10 USC 113 note.

(a) Requirement to Provide Assistance.—Not later than October 1, 1990, the Secretary of Defense shall establish a program to provide relocation assistance to members of the Armed Forces and their families as provided in this section. In addition, the Secretary of Defense shall make every effort, consistent with readiness objectives, to stabilize and lengthen tours of duty to minimize the adverse effects of relocation.

Regulations.

(b) Types of Assistance.—(1) The Secretary of each military department, under regulations prescribed by the Secretary of Defense, shall provide relocation assistance, through military relocation assistance programs described in subsection (c), to members of the Armed Forces who are ordered to make a change of permanent station which includes a move to a new location (and for dependents of such members who are authorized to move in connection with the change of permanent station).

(2) The relocation assistance provided shall include the following:

(A) Provision of destination area information and preparation (to be provided before the change of permanent station takes effect), with emphasis on information with regard to moving costs, housing costs and availability, child care, spouse employment opportunities, cultural adaptation, and community orientation.

(B) Provision of counseling about financial management, home buying and selling, renting, stress management aimed at intervention and prevention of abuse, property management, and shipment and storage of household goods (including motor vehicles and pets).

(C) Provision of settling-in services, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

(D) Provision of home finding services, with emphasis on services for locating adequate, affordable temporary and permanent housing.

(c) Military Relocation Assistance Programs.—(1) The Secretary shall provide for the establishment of military relocation assistance programs to provide the relocation assistance described in subsection (b). The Secretary shall establish such a program in each geographic area in which at least 500 members of the Armed Forces are assigned to or serving at a military installation. A member who is not stationed within a geographic area that contains such a program shall be given access to such a program. The Secretary shall ensure that persons on the staff of each program are trained in the techniques and delivery of professional relocation assistance.

(2) The Secretary shall ensure that, not later than September 30, 1991, information available through each military relocation assistance program shall be managed through a computerized information system that can interact with all other military relocation assistance programs of the military departments, including programs located outside the continental United States.

(3) Duties of each military relocation assistance program shall include assisting personnel offices on the military installation in using the computerized information available through the program to help provide members of the Armed Forces who are deciding whether to reenlist information on locations of possible future duty assignments.

(d) Director.—The Secretary of Defense shall establish the position of Director of Military Relocation Assistance Programs in the office of the Assistant Secretary of Defense (Force Management and Personnel). The Director shall oversee development and implementation of the military relocation assistance programs under this section.

(e) Regulations.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) Annual Report.—Not later than March 1 each year, the Secretary of Defense, acting through the Director of Military Relocation Assistance Programs, shall submit to Congress a report on the program under this section and on military family relocation matters. The report shall include the following:

(1) An assessment of available, affordable private-sector housing for members of the Armed Forces and their families.

(2) An assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station.

(3) Information (shown by military installation) on the types of locations at which members of the Armed Forces assigned to duty at military installations live, including the number of members of the Armed Forces who live on a military installation and the number who do not live on a military installation.

(4) Information on the effects of the relocation assistance programs established under this section on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

(g) Inapplicability to Coast Guard.—This section does not apply to the Coast Guard.

(h) Deadline for Regulations.—The Secretary of Defense shall prescribe regulations to implement this section not later than July 1, 1990.

(i) Report on Plan for Implementation.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a plan for the full implementation of the programs provided for in this section. The report shall include an estimate of the cost of implementing that plan.

SEC. 662. EXTENSION OF TEST PROGRAM OF REIMBURSEMENT FOR ADOPTION EXPENSES

(a) Inclusion of Coast Guard.—(1) Subsection (a) of section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1106; 10 U.S.C. 113 note) is amended—

(A) by inserting "under the jurisdiction of the Secretary" after "member of the Armed Forces"; and

(B) by adding at the end the following new sentence: "The Secretary of Transportation shall carry out a similar test program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member.".

(2) Subsection (f) of such section is amended to read as follows:

"(f) Regulations.—The Secretary of Defense shall prescribe regulations to carry out this section with respect to members of the Armed Forces under the Secretary's jurisdiction. The Secretary of Transportation shall prescribe regulations to carry out this section with respect to members of the Coast Guard.".

(b) Period Covered by Test Program.—Subsection (h) of such section is amended to read as follows:

"(h) Duration of Test Program.—The test program under this section shall apply with respect to qualifying adoption expenses incurred for adoption proceedings initiated—

"(1) in the case of a member of the Army, Navy, Air Force, or Marine Corps, after September 30, 1987, and before October 1, 1990; and

"(2) in the case of a member of the Coast Guard, after September 30, 1989, and before October 1, 1990.".

(c) Technical Amendments.—(1) Subsection (a) of such section is amended—

(A) by striking out "shall establish" and inserting in lieu thereof "shall carry out"; and

(B) by striking out "in the adoption of a child".

(2) Subsection (g)(1) of such section is amended by inserting "under 18 years of age" after "legal adoption of a child".

SEC. 663. REPEAL OF FOUR-YEAR RESERVE OFFICER UNIFORM ALLOWANCE

(a) Repeal of Allowance.—Section 416 of title 37, United States Code, is amended—

(1) by striking out subsection (a);

(2) by striking out "(b) In addition" and all that follows through "of this section" and inserting in lieu thereof "(a) In addition to the allowance provided by section 415 of this title";

(3) by striking out "he" and inserting in lieu thereof "the officer"; and

(4) by designating the sentence beginning "However, this subsection does not" as subsection (b) and in that sentence striking out "However, this subsection" and inserting in lieu thereof "Subsection (a)".

(b) Save Pay Provision.—An officer of an armed force who, but for the amendments made by subsection (a), would have become entitled to a uniform reimbursement under section 416(a) of title 37, United States Code, before the end of the one-year period beginning 37 USC 416 note.

on the date of the enactment of this Act shall be entitled (during such one-year period) to receive such reimbursement under such section as in effect on the day before the date of the enactment of this Act.

SEC. 664. REIMBURSEMENT FOR FINANCIAL INSTITUTION CHARGES INCURRED BECAUSE OF GOVERNMENT ERROR IN DIRECT DEPOSIT OF PAY

(a) EXTENSION OF SCOPE OF REIMBURSEMENT AUTHORITY.—(1) Subsection (a) of section 1053 of title 10, United States Code, is amended to read as follows:

"(a)(1) A member of the armed forces (or a former member of the armed forces entitled to retired pay under chapter 67 of this title) who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed by the Secretary concerned for a covered late-deposit charge.

"(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an overdraft charge or a minimum balance or average balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the person concerned to be deposited late or in an incorrect manner or amount.".

(2) Subsection (d) of such section is amended to read as follows:

"(d) In this section:

"(1) The term 'financial institution' has the meaning given the term 'financial organization' in section 3332(a) of title 31.

"(2) The term 'pay' includes (A) retired pay, and (B) allowances.".

(3)(A) The heading of such section is amended to read as follows:

"§ 1053. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay".

(B) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

"1053. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay.".

(b) OTHER DEPARTMENT OF DEFENSE PERSONNEL.—(1) Chapter 81 of such title is amended by adding after section 1593, as added by section 336, the following new section:

"§ 1594. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay

"(a)(1) A civilian officer or employee of the Department of Defense who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed for a covered late-deposit charge.

"(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an overdraft charge or a minimum balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the officer or employee concerned to be deposited late or in an incorrect manner or amount.

"(b) Reimbursements under this section shall be made from appropriations available for the pay of the officer or employee concerned.

"(c) The Secretaries concerned shall prescribe regulations to carry out this section, including regulations for the manner in which reimbursement under this section is to be made.

"(d) in this section:

"(1) The term 'financial institution' has the meaning given the term 'financial organization' in section 3332(a) of title 31.

"(2) The term 'pay' includes allowances.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1593, as added by section 336, the following new item:

"1594. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay.".

10 USC 1053 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a), and section 1594 of title 10, United States Code, as added by subsection (b), shall apply with respect to pay and allowances deposited (or scheduled to be deposited) on or after the first day of the first month beginning after the date of the enactment of this Act.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

SEC. 701. AUTHORITY TO REPAY LOANS OF CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE

(a) EXPANSION OF EDUCATION LOANS THAT QUALIFY FOR REPAYMENT.—Subsection (a) of section 2172 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) a loan made, insured, or guaranteed through a recognized financial or educational institution if that loan was used to finance education regarding a health profession that the Secretary of Defense determines to be critically needed in order to meet identified wartime combat medical skill shortages.".

(b) EXTENSION OF AUTHORITY.—Subsection (d) of such section is amended by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1992".

(c) TECHNICAL AMENDMENTS.—(1) Subsection (a) of such section is amended by striking out "a portion of" in paragraph (1).

(2) Subsection (c) of such section is amended by striking out "portion of" in paragraph (2) and inserting in lieu thereof "amount of".

(d) REPORT ON LOAN REPAYMENTS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the loan repayment program for certain health professionals established under section 2172 of title 10, United States Code (as amended by this section); and

(B) containing a legislative proposal to establish a comprehensive and coordinated program in the military departments to repay education loans for health professionals who serve on active duty or in a reserve component.

(2) The report required by paragraph (1) shall be submitted not later than January 15, 1990.

SEC. 702. REVISION OF MILITARY PHYSICIAN SPECIAL PAY STRUCTURE

(a) VARIABLE SPECIAL PAY.—Subsection (a)(2) of section 302 of title 37, United States Code, is amended—

(1) by striking out "$10,000" in subparagraph (C) and inserting in lieu thereof "$12,000";

(2) by striking out "$9,500" in subparagraph (D) and inserting in lieu thereof "$11,500";

(3) by striking out "$9,000" in subparagraph (E) and inserting in lieu thereof "$11,000";

(4) by striking out "$8,000" in subparagraph (F) and inserting in lieu thereof "$10,000";

(5) by striking out "$7,000" in subparagraph (G) and inserting in lieu thereof "$9,000";

(6) by striking out "$6,000" in subparagraph (H) and inserting in lieu thereof "$8,000"; and

(7) by striking out "$5,000" in subparagraph (I) and inserting in lieu thereof "$7,000".

(b) ADDITIONAL SPECIAL PAY.—Subsection (a)(4) of such section is amended—

(1) by striking out "(A)";

(2) by striking out "who has less than ten years of creditable service";

(3) by striking out "$9,000" and inserting in lieu thereof "$15,000"; and

(4) by striking out subparagraph (B).

(c) BOARD CERTIFICATION PAY.—Subsection (a)(5) of such section is amended—

(1) by striking out "$2,000" in subparagraph (A) and inserting in lieu thereof "$2,500";

(2) by striking out "$2,500" in subparagraph (B) and inserting in lieu thereof "$3,500";

(3) by striking out "$3,000" in subparagraph (C) and inserting in lieu thereof "$4,000";

(4) by striking out "$4,000" in subparagraph (D) and inserting in lieu thereof "$5,000"; and

(5) by striking out "$5,000" in subparagraph (E) and inserting in lieu thereof "$6,000".

(d) INCENTIVE SPECIAL PAY.—Subsection (b)(1) of such section is amended by striking out "$8,000 for any twelve-month period" and all that follows through the period and inserting in lieu thereof "$16,000 for any twelve-month period beginning in fiscal year 1990, $22,000 for any twelve-month period beginning in fiscal year 1991, $29,000 for any twelve-month period beginning in fiscal year 1992, and $36,000 for any twelve-month period beginning after fiscal year 1992.".

(e) RESERVE MEDICAL OFFICERS SPECIAL PAY.—Subsection (h) of such section is amended to read as follows:

"(h) RESERVE MEDICAL OFFICERS SPECIAL PAY.—(1) A reserve medical officer described in paragraph (2) is entitled to special pay at the rate of $450 a month for each month of active duty.

"(2) A reserve medical officer referred to in paragraph (1) is a reserve officer who—

"(A) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer; and

"(B) is on active duty under a call or order to active duty for a period of less than one year.".

(f) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—" in subsection (a) after "(a)";

(2) by inserting "INCENTIVE SPECIAL PAY.—" in subsection (b) after "(b)";

(3) by inserting "ACTIVE-DUTY AGREEMENT.—" in subsection (c) after "(c)";

(4) by inserting "REGULATIONS.—" in subsection (d) after "(d)";

(5) by inserting "FREQUENCY OF PAYMENTS.—" in subsection (e) after "(e)";

(6) by inserting "REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—" in subsection (f) after "(f)";

(7) by inserting "DETERMINATION OF CREDITABLE SERVICE.—" in subsection (g) after "(g)";

(8) by inserting "EFFECT OF DISCHARGE IN BANKRUPTCY.—" in subsection (i) after "(i)"; and

(9) by striking out "of this section" and "of this subsection" each place they appear (other than in subsection (g)).

(g) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (c) shall take effect on January 1, 1990. 37 USC 302 note.

(2) The amendments made by subsections (b) and (d) shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the date of the enactment of this Act.

(3) The amendment made by subsection (e) shall take effect on January 1, 1990, and shall apply to pay periods beginning on or after such date.

SEC. 703. EXTENSION AND EXPANSION OF MEDICAL OFFICER RETENTION BONUS PROGRAM

(a) BONUS AUTHORIZED.—Subsection (a) of section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), is amended by striking out "September 30, 1989" in paragraph (1) and inserting in lieu thereof "September 30, 1990".

(b) LIMITATION ON AMOUNT OF INCENTIVE SPECIAL PAY.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of law, the amount of incentive special pay under section 302(b) of title 37, United States Code, paid to a medical officer who executes an agreement under paragraph (1) may not exceed $16,000 during each year covered by the agreement.".

(c) COVERED OFFICERS.—Subsection (b) of such section is amended—

(1) in paragraph (3), by striking out "; and" and inserting in lieu thereof "or has completed any active-duty service commitment incurred for medical education and training;"; and

(2) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) has completed initial residency training (or will complete such training before October 1, 1991); and

"(5) is not pursuing a medical residency or fellowship subsequent to completing initial residency training.".

(d) REPORT.—(1) Subsection (g) of such section is amended to read as follows:

"(g) REPORT.—(1) Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

"(A) the effectiveness of the Armed Forces in retaining medical officers by providing a retention bonus under this section to medical officers who make a multi-year active-duty service commitment; and

"(B) the effectiveness and practicability of such alternative multi-year options as the Secretary considers appropriate to encourage medical officers to make active-duty service commitments of longer length.

"(2) The options evaluated by the Secretary under paragraph (1)(B) shall include—

"(A) a proposal to increase the payment of additional special pay under subsection (a)(4) of section 302 of title 37, United States Code, by $2,000 for a two-year active-duty service commitment, $4,000 for a three-year active-duty service commitment, and $8,000 for a four-year active-duty service commitment; and

"(B) a proposal to increase the amount of incentive special pay provided under subsection (b) of such section to medical officers who make a multi-year active-duty service commitment by a certain percentage based on the length of the active-duty service commitment.

"(3) The Secretary shall include for each option evaluated under paragraph (1) an assessment of the cost of such option if implemented and methods to fund such option within the amounts provided for special pay under section 302 of title 37, United States Code.".

(2) Such section is further amended by striking out subsection (i).

37 USC 302 note.
(e) TRANSITION FOR CERTAIN OFFICERS EXCLUDED DURING FISCAL YEAR 1989.—(1) In the case of an agreement that was executed by a medical officer under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), before October 1, 1989, but that was not accepted by the Secretary concerned solely because of the limitation contained in subsection (h) of such section, the Secretary concerned may accept such agreement during the 90-day period beginning on the date of the enactment of this Act notwithstanding such limitation.

(2) An agreement accepted under this subsection may be deemed by the Secretary concerned to have been accepted on the date on which the officer executed the agreement during fiscal year 1989.

37 USC 302 note.
(f) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—In the case of a medical officer described in paragraph (2) who executes an agreement under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may deem such agreement to have been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such agreement had the authority referred to in such paragraph not lapsed.

(2) A medical officer referred to in paragraph (1) is an officer who, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section but for the fact that the authority for the payment of bonuses provided by such section had lapsed.

37 USC 302 note.

(g) SECRETARY CONCERNED DEFINED.—For purposes of subsections (e) and (f), the term "Secretary concerned" has the meaning given that term by section 101(5) of title 37, United States Code.

SEC. 704. SPECIAL PAY FOR PSYCHOLOGISTS

(a) SPECIAL PAY AUTHORIZED.—Section 302c of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

"(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

"(2) is designated as a psychologist; and

"(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.".

(b) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended by striking out "in the Public Health Service Corps".

(2) The item relating to section 302c in the table of sections at the beginning of chapter 5 of such title is amended by striking out "in the Public Health Service Corps".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "PUBLIC HEALTH SERVICE CORPS.—" in subsection (a) after "(a)"; and

(2) by inserting "RATE OF SPECIAL PAY.—" in subsection (b) after "(b)".

Reports.
37 USC 302c note.

(d) IMPLEMENTATION OF AMENDMENT.—The Secretary of Defense may not implement subsection (c) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) justifying the need of the military departments for the authority provided in such subsection; and

(2) describing the manner in which that authority will be implemented.

SEC. 705. ACCESSION BONUS FOR REGISTERED NURSES

(a) ACCESSION BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding after section 302c the following new section:

"§ 302d. Special pay: accession bonus for registered nurses

"(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a registered nurse and who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991 and ending on September 30, 1991, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $5,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a registered nurse.

"(c) Agreement.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

"(d) Repayment.—(1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

"(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following new item:

"302d. Special pay: accession bonus for registered nurses.".

(b) Administration and Implementation.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

(c) Report on Implementation.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the authority provided in section 302d of title 37, United States Code (as added by subsection (a)), is implemented.

SEC. 706. INCENTIVE PAY FOR NURSE ANESTHETISTS

(a) Authorization for Incentive Pay.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302d (as added by section 705) the following new section:

"§ 302e. Special pay: nurse anesthetists

"(a) Special Pay Authorized.—(1) An officer described in subsection (b) who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years

1990 and 1991 and ending on September 30, 1991, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed $6,000 for any 12-month period.

"(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the period of obligated service provided for in the agreement under that paragraph.

"(b) Covered Officers.—An officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

"(2) is a qualified certified registered nurse anesthetist; and

"(3) is on active duty under a call or order to active duty for a period of not less than one year.

"(c) Termination of Agreement.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

"(d) Payment.—Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

"(e) Repayment.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302d (as added by section 705) the following new item:

"302e. Special pay: nurse anesthetists.".

(b) Administration and Implementation.—Section 303a of title 37, United States Code (as amended by section 705(b)), is further amended by inserting "302e," after "302d," each place it appears.

(c) Report on Military Use of Certified Registered Nurse Anesthetists.—(1) The Secretary of Defense shall submit to the

Committees on Armed Services of the Senate and House of Representatives a report on the use of certified registered nurse anesthetists by the military departments. The report shall include—

(A) a description of restrictions imposed by the military departments on the use of such nurses;

(B) a comparison of such restrictions with restrictions imposed by other entities on the use of such nurses;

(C) a description of the number of persons who annually receive training by the military departments to be certified registered nurse anesthetists; and

(D) the desirability and cost of expanding the capability of the military departments to provide such training.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 707. NURSE OFFICER CANDIDATE ACCESSION BONUS

(a) BONUS AUTHORIZED.—Chapter 105 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

"Sec.
"2130a. Financial assistance: nurse officer candidates.

"§ 2130a. Financial assistance: nurse officer candidates

"(a) BONUS AUTHORIZED.—(1) A person described in subsection (b) who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991 and ending on September 30, 1991, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than $5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed $2,500.

"(2) In addition to the accession bonus payable under paragraph (1), a person selected under such paragraph shall be entitled to a monthly stipend of not more than $500 for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title. The continuation bonus may be paid for not more than 24 months.

"(b) ELIGIBLE STUDENTS.—A person eligible to enter into an agreement under subsection (a) is a person who—

"(1) is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title;

"(2) has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation; and

"(3) meets the qualifications for appointment as an officer of a reserve component of the Army, Navy, or Air Force as set forth in section 591 of this title or, in the case of the Public Health

Service, section 207 of the Public Health Service Act (42 U.S.C. 209) and the regulations of the Secretary concerned.

"(c) Required Agreement.—The agreement referred to in subsection (a) shall provide that the person executing the agreement agrees to the following:

"(1) That the person will complete the nursing degree program described in subsection (b)(1).

"(2) That, upon acceptance of the agreement by the Secretary concerned, the person will enlist in a reserve component of an armed force.

"(3) That the person will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service, as the case may be, upon graduation from the nursing degree program.

"(4) That the person will serve on active duty as such an officer—

"(A) for a period of 4 years in the case of a person whose agreement was accepted by the Secretary concerned during that person's fourth year of the nursing degree program; or

"(B) for a period of 5 years in the case of a person whose agreement was accepted by the Secretary concerned during that person's third year of the nursing degree program.

"(d) Refund of Payments.—(1) A person shall refund any bonus or stipend paid under subsection (a) if the person—

"(A) fails to complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under such subsection;

"(B) having completed the nursing degree program, fails to accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service; or

"(C) fails to complete the period of obligated active service required under the agreement.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.".

"(e) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section.".

(b) Clerical Amendment.—The table of subchapters at the beginning of chapter 105 of such title is amended by adding at the end the following new item:

"III. Nurse Officer Candidate Accession Program .... 2130a".

SEC. 708. PROGRAM TO INCREASE USE OF CERTAIN NURSES BY THE MILITARY DEPARTMENTS

10 USC 531 note.

(a) Program Required.—(1) Not later than September 30, 1991, the Secretary of each military department shall implement a program to appoint persons who have an associate degree or diploma in nursing (but have not received a baccalaureate degree in nursing) as officers and to assign such officers to duty as nurses.

(2) An officer appointed pursuant to the program required by subsection (a) shall be appointed in a warrant officer grade or in a commissioned grade not higher than O-3. Such officer may not be promoted above the grade of O-3 unless the officer receives a baccalaureate degree in nursing.

(b) Report on Implementation.—Not later than April 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the actions taken by the Secretaries of the military departments to implement the program required by this section.

SEC. 709. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF REGULAR OFFICERS IN A HEALTH-RELATED PROFESSION

Section 1251(c)(2) of title 10, United States Code, is amended—

(1) by striking out "A deferment" and inserting in lieu therof "(A) Except as provided in subparagraph (B), a deferment";

(2) by striking out "67 years of age" and inserting in lieu thereof "68 years of age"; and

(3) by adding at the end the following new subparagraph:

"(B) The Secretary concerned may extend a deferment under this subsection beyond the day referred to in subparagraph (A) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.".

SEC. 710. RETENTION IN ACTIVE SERVICE OF RESERVE OFFICERS IN A HEALTH-RELATED PROFESSION

(a) Army.—(1) Subsection (c) of section 3855 of title 10, United States Code, is amended—

(A) by striking out "An officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer";

(B) by striking out "67 years of age" and inserting in lieu thereof "68 years of age"; and

(C) by adding at the end the following new paragraph:

"(2) The Secretary of the Army may retain an officer (other than an officer in the Chaplains) in an active status under this section after the date on which the officer becomes 68 years of age if the Secretary determines that continued retention is necessary for the needs of the Army.".

(2) Such section is further amended by adding at the end the following new subsection:

"(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.".

(b) Navy.—Subsection (c) of section 6392 of such title is amended—

(1) by striking out "An officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer";

(2) by striking out "67 years of age" and inserting in lieu thereof "68 years of age"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary of the Navy may retain an officer (other than an officer in the Chaplain Corps) in an active status under this section after the date on which the officer becomes 68 years of age if the Secretary determines that continued retention is necessary for the needs of the Navy.".

(c) AIR FORCE.—(1) Subsection (c) of section 8855 of such title is amended—

(A) by striking out "An officer" and inserting in lieu thereof "(1) Except as provided in paragraph (2), an officer";

(B) by striking out "67 years of age" and inserting in lieu thereof "68 years of age"; and

(C) by adding at the end the following new paragraph:

"(2) The Secretary of the Air Force may retain an officer (other than an officer who is designated as a chaplain) in an active status under this section after the date on which the officer becomes 68 years of age if the Secretary determines that continued retention is necessary for the needs of the Air Force.".

(2) Such section is further amended by adding at the end the following new subsection:

"(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.".

SEC. 711. RETENTION OF CERTAIN RESERVE PSYCHOLOGISTS IN ACTIVE STATUS

(a) ARMY.—Section 3855(a) of title 10, United States Code, is amended by striking out "the podiatry specialty in the Medical Allied Sciences Section of the Medical Service Corps, the Optometry Section of the Medical Service Corps," and inserting in lieu thereof the following "the Medical Service Corps (if the officer has been designated as an allied health officer or biomedical sciences officer in that Corps),".

(b) NAVY.—Section 6392(a) of such title is amended by inserting "allied health officer," before "or biomedical sciences officer".

SEC. 712. REALLOCATION OF NAVAL RESERVE REAR ADMIRAL POSITIONS AUTHORIZED FOR HEALTH PROFESSIONS

Effective on October 1, 1990, section 5457(a) of title 10, United States Code, is amended— Effective date.

(1) by striking out "Medical Corps—7" and inserting in lieu thereof "Medical Corps—5"; and

(2) by inserting after and below paragraph (7) the following:

"(8) Nurse Corps—1.

"(9) Medical Service Corps—1.".

PART B—HEALTH CARE MANAGEMENT

SEC. 721. PROHIBITION ON CHARGES FOR OUTPATIENT MEDICAL AND DENTAL CARE

10 USC 1074 note.

During fiscal years 1990 and 1991, the Secretary of Defense may not impose a charge for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 722. SHARING OF HEALTH-CARE RESOURCES WITH THE DEPARTMENT OF VETERANS AFFAIRS

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1104. Sharing of health-care resources with the Department of Veterans Affairs

"(a) SHARING OF HEALTH-CARE RESOURCES.—Health-care resources of the Department of Defense may be shared with health-care resources of the Department of Veterans Affairs in accordance with section 5011 of title 38 or under section 1535 of title 31.

"(b) REIMBURSEMENT FROM CHAMPUS FUNDS.—Pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31, the Secretary of a military department may reimburse the Secretary of Veterans Affairs from funds available for that military department for the payment of medical care provided under section 1079 or 1086 of this title.

"(c) CHARGES.—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter pursuant to an agreement entered into by the Secretary of a military department under section 5011 of title 38 or section 1535 of title 31.

"(d) PROVISION OF SERVICES DURING WAR OR NATIONAL EMERGENCY.—Members of the armed forces on active duty during and immediately following a period of war, or during and immediately following a national emergency involving the use of the armed forces in armed conflict, may be provided health-care services by the Department of Veterans Affairs in accordance with section 5011A of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1104. Sharing of health-care resources with the Department of Veterans Affairs.".

10 USC 2687 note.

SEC. 723. PROHIBITION ON REDUCING END STRENGTH LEVELS FOR MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS

(a) PROHIBITION.—The end strength levels for medical personnel for each component of the Armed Forces, and the number of civilian personnel of the Department of Defense assigned to military medical facilities, may not be reduced as a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(b) MEDICAL PERSONNEL DEFINED.—For purposes of subsection (a), the term "medical personnel" has the meaning given that term in subparagraph (D) of section 115(b)(1) of title 10, United States Code.

Regulations.
10 USC 1101 note.

SEC. 724. REVISED DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT

The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1991, in the case of outpatient treatments.

SEC. 725. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

(a) SPECIALIZED TRAINING DEFINED.—Section 2120 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term 'specialized training' means advanced training in a health professions specialty received in an accredited program that is beyond the basic education required for appointment as a commissioned officer with a designation as a health professional.".

(b) Expansion of Program.—Section 2121 of such title is amended—

(1) in subsection (a), by striking out "health professions scholarship program" and inserting in lieu thereof "health professions scholarship and financial assistance program";

(2) in subsection (b), by inserting "and specialized training" after "study"; and

(3) in subsection (c)—

(A) by striking out "of the program" in the second sentence and inserting in lieu thereof "pursuing a course of study"; and

(B) by inserting after the second sentence the following new sentence: "Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under sections 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program.".

(c) Eligibility.—Paragraph (1) of section 2122(a) of such title is amended by striking out "in a course of study" and all that follows through the semicolon and inserting in lieu thereof "in a course of study or selected to receive specialized training;".

(d) Financial Assistance.—(1) Section 2127 of such title is amended by adding at the end the following new subsection:

Grants.

"(e) A person participating as a member of the program in specialized training shall be paid an annual grant of $15,000 in addition to the stipend under section 2121(d) of this title. The amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends.".

(2) The heading of such section is amended to read as follows:

"§ 2127. Scholarships and financial assistance: payments".

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 105 of such title is amended to read as follows:

"2127. Scholarships and financial assistance: payments.".

10 USC 2127 note.

(e) Report on Implementation.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the new authority provided by this section is implemented.

(f) Report on Success of Financial Assistance Program.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the success of the financial assistance program established by this section; and

(B) describing the number of participants in the program receiving specialized training payments under subsection (e) of section 2127 of title 10, United States Code (as added by subsection (d)) and the projected number of officers to be gained, by specialty, as a result of the program for each military department.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1991.

(g) Delay in Targeting Scholarships for Critically Needed Wartime Skills.—Paragraph (2) of section 2124 of such title is amended by inserting "after September 30, 1991," after "(2)".

(h) Clerical Amendments.—(1) Section 2120 of title 10, United States Code, is amended by striking out "the Armed Forces Health Professions Scholarship program" each place it appears and inserting in lieu thereof "the Armed Forces Health Professions Scholarship and Financial Assistance program".

(2) The subchapter heading of subchapter I of chapter 105 of such title is amended to read as follows:

"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE".

(3) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

"I. Health Professions Scholarship and Financial Assistance Program for Active Service .... 2120".

SEC. 726. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES AND HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

(a) Increased Number of Exemptions From Dual-Pay Provision.—Subsection (f)(2) of section 2113 of title 10, United States Code, is amended by striking out "two exemptions" in the last sentence and inserting in lieu thereof "five exemptions".

(b) Grant Authority.—(1) Subsection (j)(1)(A) of such section is amended—

(A) by inserting ", accept grants from, and make grants to" after "contracts with"; and

(B) by striking out "or with" and inserting in lieu thereof "or".

(2) Subsection (g)(1) of section 178 of such title is amended by inserting ", accept grants from, and make grants to" after "contracts with".

SEC. 727. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS OF INPATIENT CARE FURNISHED AT FACILITIES OF THE UNIFORMED SERVICES

(a) Retention Authorized.—Section 1095 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) Amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.".

10 USC 1095 note.

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 1989, and shall apply to amounts collected under section 1095 of title 10, United States Code, on or after that date.

SEC. 728. REALLOCATION OF CERTAIN CIVILIAN PERSONNEL POSITIONS TO MEDICAL SUPPORT

(a) Reallocation of Positions Required.—In implementing the report of the Deputy Inspector General of the Department of Defense entitled "Review of Unified and Specified Command Headquarters" (completed in February 1988), the Secretary of the Army and the Secretary of the Navy shall reallocate to medical support positions the 939 civilian positions selected for elimination.

(b) Report on Reallocation.—(1) The Secretary of the Army and the Secretary of the Navy shall jointly submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, as of the date such report is submitted—

(A) the medical support positions created pursuant to subsection (a);

(B) the location of such positions; and

(C) the duties of the civilian personnel in such positions.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 729. CODIFICATION OF APPROPRIATION PROVISION RELATING TO CHAMPUS

Subsection (c) of section 1074 of title 10, United States Code, is amended by adding at the end the following new sentence: "If a private facility or health care provider providing care under this subsection is a health care provider under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require the private facility or health care provider to provide such care in accordance with the same payment rules (subject to any modifications considered appropriate by the Secretary) as apply under that program.".

SEC. 730. LIMITATION ON CHAMPUS PAYMENTS TO NONINSTITUTIONAL HEALTH-CARE PROVIDERS

(a) Change in Limitation.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out "90th percentile" both places it appears and inserting in lieu thereof "80th percentile".

(b) Applicability.—The amendment made by subsection (a) shall apply to services provided on or after October 1, 1989. 10 USC 1079 note.

SEC. 731. CLARIFICATION AND CORRECTION OF PROVISIONS RELATING TO HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES

(a) Eligibility of Certain Former Spouses.—Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(H) a person who would qualify as a dependent under clause (G) but for the fact that the date of the final decree of divorce, dissolution, or annulment of the person is on or after April 1, 1985, except that the term does not include the person after the end of the one-year period beginning on the date of that final decree.".

(b) Availability of Conversion Health Policies and Extension of Eligibility for Medical and Dental Care.—(1) Chapter 55 of such title is amended by inserting after section 1086 the following new section:

"§ 1086a. Certain former spouses: extension of period of eligibility for health benefits

"(a) Availability of Conversion Health Policies.—The Secretary of Defense shall inform each person who has been a dependent for a period of one year or more under section 1072(2)(H) of this title of the availability of a conversion health policy for purchase by the person.

"(b) Effect of Purchase.—(1) Subject to paragraph (2), if a person who is a dependent for a one-year period under section 1072(2)(H) of this title purchases a conversion health policy within that period (or within a reasonable time after that period as prescribed by the Secretary of Defense), the person shall continue to be eligible for medical and dental care in the manner described in section 1076 of this title and health benefits under section 1086 of this title until the end of the one-year period beginning on the later of—

"(A) the date the person is no longer a dependent under section 1072(2)(H) of this title; and

"(B) the date of the purchase of the policy.

"(2) The extended period of eligibility provided under paragraph (1) shall apply only with regard to a condition of the person that—

"(A) exists on the date on which coverage under the conversion health policy begins; and

"(B) for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(c) Conversion Health Policy Defined.—In this section, the term 'conversion health policy' means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and the private insurer, that is available for purchase by or for the use of a person who is a dependent for a one-year period under section 1072(2)(H) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086 the following new item:

"1086a. Certain former spouses: extension of period of eligibility for health benefits.".

(c) Conforming Amendments.—(1) Subsection (f) of section 1076 of such title is repealed.

(2) Paragraph (3) of section 1086(c) of such title is amended to read as follows:

"(3) A dependent covered by clause (F), (G), or (H) of section 1072(2) of this title who is not eligible under paragraph (1).".

10 USC 1072 note.

(d) Effective Date; Application of Amendments.—(1) The amendments made by this section apply to a person referred to in section 1072(2)(H) of title 10, United States Code (as added by subsection (a)), whose decree of divorce, dissolution, or annulment becomes final on or after the date of the enactment of this Act.

(2) The amendments made by this section shall also apply to a person referred to in such section whose decree of divorce, dissolution, or annulment became final during the period beginning on

September 29, 1988, and ending on the day before the date of the enactment of this Act, as if the amendments had become effective on September 29, 1988.

10 USC 1072 note.

(e) TRANSITION.—(1) In the case of a person who qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2549), on September 28, 1988, the Secretary of Defense shall make a conversion health policy available for purchase by the person during the remaining period the person is considered to be a dependent under that section (or within a reasonable time after that period as prescribed by the Secretary of Defense).

(2) Purchase of a conversion health policy under paragraph (1) by a person shall entitle the person to health care for preexisting conditions in the same manner and to the same extent as provided by section 1086a(b) of title 10, United States Code (as added by subsection (b)), until the end of the one-year period beginning on the later of—

(A) the date the person is no longer qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985; and

(B) the date of the purchase of the policy.

(3) For purposes of this subsection, the term "conversion health policy" has the meaning given that term in section 1086a(c) of title 10, United States Code (as added by subsection (b)).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—PROCEDURES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

10 USC 2399 note.

SEC. 801. ASSESSMENT OF RISK IN CONCURRENT DEVELOPMENT OF MAJOR DEFENSE ACQUISITION SYSTEMS

(a) ESTABLISHMENT OF POLICY.—The Secretary of Defense shall establish guidelines for—

(1) determining the degree of concurrency that is appropriate for the development of major defense acquisition systems; and

(2) assessing the degree of risk associated with various degrees of concurrency.

(b) REPORT ON GUIDELINES.—The Secretary shall submit to Congress a report that describes the guidelines established under subsection (a) and the method used for assessing risk associated with concurrency.

(c) REPORT ON CONCURRENCY IN MAJOR ACQUISITION PROGRAMS.—(1) The Secretary shall also submit to Congress a report outlining the risk associated with concurrency for each major defense acquisition program that is in either full-scale development or low-rate initial production as of January 1, 1990.

(2) The report shall include consideration of the following matters with respect to each such program:

(A) The degree of confidence in the enemy threat assessment for establishing the system's requirements.

(B) The type of contract involved.

(C) The degree of stability in program funding.

(D) The level of maturity of technology involved in the system.

(E) The availability of adequate test assets, including facilities and ranges.

(F) The plans for transition from development to production.

(d) SUBMISSION OF REPORTS.—The reports under subsections (b) and (c) shall be submitted to Congress not later than March 1, 1990.

(e) DEFINITION.—For purposes of this section, the term "concurrency" means the degree of overlap between the development and production processes of an acquisition program.

SEC. 802. OPERATIONAL TEST AND EVALUATION

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2398 the following new section:

"§ 2399. Operational test and evaluation of defense acquisition programs

"(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a major defense acquisition program may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

"(2) In this subsection, the term "major defense acquisition program" means—

"(A) a conventional weapons system that is a major system within the meaning of that term in section 2302(5) of this title; and

"(B) is designed for use in combat.

"(b) OPERATIONAL TEST AND EVALUATION.—(1) Operational testing of a major defense acquisition program may not be conducted until the Director of Operational Test and Evaluation of the Department of Defense approves (in writing) the adequacy of the plans (including the projected level of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) The Director shall analyze the results of the operational test and evaluation conducted for each major defense acquisition program. At the conclusion of such testing, the Director shall prepare a report stating the opinion of the Director as to— Reports.

"(A) whether the test and evaluation performed were adequate; and

"(B) whether the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat.

"(3) The Director shall submit each report under paragraph (2) to the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the congressional defense committees. Each such report shall be submitted to those committees in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and Under Secretary and shall be accompanied by such comments as the Secretary may wish to make on the report.

"(4) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense the report with respect to that program under paragraph (2) and the congressional defense committees have received that report.

"(5) In this subsection, the term "major defense acquisition program" has the meaning given that term in section 138(a)(2)(B) of this title.

"(c) Determination of Quantity of Articles Required for Operational Testing.—The quantity of articles of a new system that are to be procured for operational testing shall be determined by—

"(1) the Director of Operational Test and Evaluation of the Department of Defense, in the case of a new system that is a major defense acquisition program (as defined in section 138(a)(2)(B) of this title); or

"(2) the operational test and evaluation agency of the military department concerned, in the case of a new system that is not a major defense acquisition program.

"(d) Impartiality of Contractor Testing Personnel.—In the case of a major defense acquisition program (as defined in subsection (a)(2)), no person employed by the contractor for the system being tested may be involved in the conduct of the operational test and evaluation required under subsection (a). The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system being tested when the system is deployed in combat.

"(e) Impartial Contracted Advisory and Assistance Services.—(1) The Director may not contract with any person for advisory and assistance services with regard to the test and evaluation of a system if that person participated in (or is participating in) the development, production, or testing of such system for a military department or Defense Agency (or for another contractor of the Department of Defense).

Reports.

"(2) The Director may waive the limitation under paragraph (1) in any case if the Director determines in writing that sufficient steps have been taken to ensure the impartiality of the contractor in providing the services. The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General's semi-annual report an assessment of those waivers made since the last such report.

"(3) A contractor that has participated in (or is participating in) the development, production, or testing of a system for a military department or Defense Agency (or for another contractor of the Department of Defense) may not be involved (in any way) in the establishment of criteria for data collection, performance assessment, or evaluation activities for the operational test and evaluation.

"(f) Source of Funds for Testing.—The costs for all tests required under subsection (a) shall be paid from funds available for the system being tested.

"(g) Director's Annual Report.—As part of the annual report of the Director under section 138 of this title, the Director shall describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for that program, as approved by the Director. The Director shall include in such annual report a description of each waiver granted under subsection (e)(2) since the last such report.

"(h) Definitions.—In this section:

"(1) The term 'operational test and evaluation' has the meaning given that term in section 138(a)(2)(A) of this title. For purposes of subsection (a), that term does not include an operational assessment based exclusively on—

"(A) computer modeling;

"(B) simulation; or

"(C) an analysis of system requirements, engineering proposals, design specifications, or any other information contained in program documents.

"(2) The term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2398 the following new item:

"2399. Operational test and evaluation of defense acquisition programs.".

(b) Conforming Amendments to Section 138.—Section 138 of such title is amended—

(1) in subsection (b)—

(A) by inserting "and" at the end of paragraph (4);

(B) by striking out paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(2) by striking out subsection (c);

(3) by striking out "(d)(1)" and inserting in lieu thereof "(c)";

(4) by striking out "(2) The Director may not" and inserting in lieu thereof "(d) The Director may not";

(5) by striking out subsection (f);

(6) by striking out "(g)(1)" and inserting in lieu thereof "(f)";

(7) by striking out "this paragraph" in the last sentence of subsection (f), as designated by paragraph (6), and inserting in lieu thereof "this subsection"; and

(8) by striking out "(2) The Director shall" and inserting in lieu thereof "(g) The Director shall".

(c) Conforming Amendments to Section 2366.—(1) Subsection (a)(1) of section 2366 of such title is amended—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking out "; and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(C) by striking out subparagraph (C).

(2) Subsection (b) of such section is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (e) of such section is amended—

(A) by striking out paragraphs (3) and (7); and

(B) by redesignating paragraphs (4), (5), (6), and (8) as paragraphs (3), (4), (5), and (6), respectively.

(4)(A) The heading of such section is amended to read as follows:

"§ 2366. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production".

(B) The item relating to such section in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2366. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production".

SEC. 803. LOW-RATE INITIAL PRODUCTION

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2399 (as added by section 802) the following new section:

"§ 2400. Low-rate initial production of new systems

"(a) DETERMINATION OF QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.—(1) In the course of the development of a major system, the determination of what quantity of articles of that system should be procured for low-rate initial production (including the quantity to be procured for preproduction verification articles) shall be made—

"(A) when the milestone II decision with respect to that system is made; and

"(B) by the official of the Department of Defense who makes that decision.

"(2) In paragraph (1), the term 'milestone II decision' means the decision to approve the full-scale engineering development of a major system by the official of the Department of Defense designated to have the authority to make that decision.

"(3) Any increase from a quantity determined under paragraph (1) may only be made with the approval of the official making the determination.

"(4) The Secretary of Defense shall include a statement of the quantity determined under paragraph (1) in the first SAR submitted with respect to the program concerned after that quantity is determined. For purposes of the preceding sentence, the term 'SAR' means a Selected Acquisition Report submitted under section 2432 of this title.

"(b) LOW-RATE INITIAL PRODUCTION OF WEAPON SYSTEMS.—Except as provided in subsection (c), low-rate initial production with respect to a new system is production of the system in the minimum quantity necessary—

"(1) to provide production-configured or representative articles for operational tests pursuant to section 2399 of this title;

"(2) to establish an initial production base for the system; and

"(3) to permit an orderly increase in the production rate for the system sufficient to lead to full-rate production upon the successful completion of operational testing.

"(c) LOW-RATE INITIAL PRODUCTION OF NAVAL VESSEL AND SATELLITE PROGRAMS.—(1) With respect to naval vessel programs and military satellite programs, low-rate initial production is production of items at the minimum quantity and rate that (A) preserves the mobilization production base for that system, and (B) is feasible, as determined pursuant to regulations prescribed by the Secretary of Defense.

Reports.

"(2) For each naval vessel program and military satellite program, the Secretary of Defense shall submit to Congress a report providing—

"(A) an explanation of the rate and quantity prescribed for low-rate initial production and the considerations in establishing that rate and quantity;

"(B) a test and evaluation master plan for that program; and

"(C) an acquisition strategy for that program that has been approved by the Secretary, to include the procurement objectives in terms of total quantity of articles to be procured and annual production rates.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2399 (as added by section 802) the following new item:

"2400. Low-rate initial production of new systems.".

SEC. 804. MODIFICATIONS WITH RESPECT TO REPORTS ON LIVE-FIRE TESTING PROGRAMS

(a) TESTING REPORT TO BE SUBMITTED BEFORE PRODUCTION.—Subsection (a)(1) of section 2366 of title 10, United States Code (as amended by section 842), is amended by inserting "and the report required by subsection (d) with respect to that testing is submitted in accordance with that subsection" after "this section" in subparagraphs (A) and (B).

(b) CONTENT OF TESTING REPORT.—Subsection (d) of such section is amended by adding at the end the following: "Each such report shall describe the results of the survivability or lethality testing and shall give the Secretary's overall assessment of the testing.".

SEC. 805. PROCEDURES APPLICABLE TO MULTIYEAR PROCUREMENT CONTRACTS

(a) ADDITIONAL REQUIREMENTS.—Section 2306(h) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(9) A multiyear contract may not be entered into for any fiscal year under this subsection unless each of the following conditions is satisfied:

"(A) The Secretary of Defense certifies to Congress that the current five-year defense program fully funds the support costs associated with the multiyear program.

"(B) The proposed multiyear contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

"(C) The proposed multiyear contract—

"(i) achieves a 10 percent savings as compared to the cost of current negotiated contracts, adjusted for changes in quantity and for inflation; or

"(ii) achieves a 10 percent savings as compared to annual contracts if no recent contract experience exists.

"(10) The Secretary of Defense may instruct the Secretary of the military department concerned to incorporate into a proposed multiyear contract negotiated priced options for varying the quantities of end items to be procured over the period of the contract.

"(11) If for any fiscal year a multiyear contract to be entered into under this subsection is authorized by law for a particular procurement program and that authorization is subject to certain conditions established by law (including a condition as to cost savings to be achieved under the multiyear contract in comparison to specified other contracts) and if it appears (after negotiations with contractors) that such savings cannot be achieved, but that substantial savings could nevertheless be achieved through the use of a multiyear contract rather than specified other contracts, the President may submit to Congress a request for relief from the specified cost savings that must be achieved through multiyear contracting for that program. Any such request by the President shall include details about the request for a multiyear contract, including details about the negotiated contract terms and conditions.".

(b) CONFORMING REPEAL.—Section 104 of Public Law 100-526 (102 Stat. 2624) is repealed. 10 USC 2306 note.

(c) TRANSITION.—Subparagraph (C) of paragraph (9) of section 2306(h) of title 10, United States Code, as added by subsection (a), does not apply to programs that are under a multiyear contract on the date of the enactment of this Act. 10 USC 2306 note.

SEC. 806. REVISION OF LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES TO FOREIGN COUNTRIES

(a) COUNTRIES TO WHICH TRANSFERS MAY BE MADE.—Subsection (b) of section 4542 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a friendly foreign country" and inserting in lieu thereof "a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally";

(2) in paragraph (2)(B), by inserting ", except as provided in subsection (e)" before the semicolon at the end; and

(3) in paragraph (3), by inserting "or (d)" after "subsection (c)".

(b) COOPERATIVE PROJECT AGREEMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) COOPERATIVE PROJECT AGREEMENTS.—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

"(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

"(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

"(3) require the Secretary of Defense to monitor compliance with the agreement.

"(e) LICENSING FEES AND ROYALTIES.—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and prove-out of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal.".

(c) CONFORMING AMENDMENT.—Subsection (f) of such section (as redesignated by subsection (b)(1)) is amended by inserting "or a cooperative project" in paragraph (1) after "cooperative research and development program".

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PART B—CHANGES TO ACQUISITION STATUTES

SEC. 811. ACQUISITION REPORT STREAMLINING

(a) UNIT COST REPORTS.—(1) Subsection (a) of section 2433 of title 10, United States Code, is amended—

(A) in paragraph (2), by inserting "the service acquisition executive designated by" before "the Secretary concerned"; and

(B) in paragraph (4)—

(i) by inserting "the service acquisition executive designated by" before "the Secretary concerned";

(ii) in clause (A), by striking out "unit cost report submitted under subsection (e)(2)(B)(ii) with respect to" and inserting in lieu thereof "Selected Acquisition Report submitted under subsection (e)(2)(B) that includes information on"; and

(iii) in clause (B), by striking out "subsection (e)(2)(B)(ii) with respect to the program during that three-quarter period, the most recent unit cost report submitted under subsection (e)(1) with respect to the program" and inserting in lieu thereof "subsection (e)(2)(B) with respect to the program during that three-quarter period, the most recent Selected Acquisition Report submitted under subsection (e)(1) that includes information on the program".

(2) Subsection (b) of section 2433 of such title is amended—

(A) by striking out "(b) The program manager" and all that follows through the colon preceding paragraph (1) and inserting in lieu thereof the following:

"(b) The program manager for a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under section 2432(b)(3) of this title) shall, on a quarterly basis, submit to the service acquisition executive designated by the Secretary concerned a written report on the unit costs of the program. Each report shall be submitted not more than 7 days (excluding Saturdays, Sundays, and legal public holidays) after the end of that quarter. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):"; and

(B) in paragraph (4), by striking out "Selected Acquisition Report" and inserting in lieu thereof "description established under section 2435 of this title".

(3) Subsection (c) of section 2433 of such title is amended—

(A) in paragraph (1)—

(i) by striking out "fiscal-year" in the matter above clause (A); and

(ii) in the matter following clause (C)—

(I) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears;

(II) by striking out "(other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year)" and inserting in lieu thereof "(other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)"; and

(III) by striking out "Secretary concerned" the second place it appears and inserting in lieu thereof "such service acquisition executive"; and

(B) in paragraph (2)—

(i) in the matter above clause (A)—

(I) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(II) by striking out "(other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year)" and inserting in lieu thereof "(other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)"; and

(ii) by striking out "Secretary concerned" each place it appears in clauses (A), (B), and (C) and in the matter following clause (C) and inserting in lieu thereof "such service acquisition executive".

(4) Subsection (d) of section 2433 of such title is amended—

(A) in paragraph (1)—

(i) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(ii) by striking out "Secretary shall determine" and inserting in lieu thereof "service acquisition executive shall determine";

(B) in paragraph (2)—

(i) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(ii) by striking out "Secretary concerned shall, in addition to the determination under paragraph (1), determine" and inserting in lieu thereof "service acquisition executive, in addition to the determination under paragraph (1), shall determine"; and

(C) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) If, based upon the service acquisition executive's determination, the Secretary concerned determines (for the first time since the beginning of the current fiscal year) that the current program acquisition unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (1) or that the current procurement unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (2), the Secretary shall notify Congress in writing of such determination and of the increase with respect to such program within 30 days after the date on which the service acquisition executive reports his determination of such increase in such unit cost to the Secretary and shall include in such notification the date on which the determination was made.".

(5) Subsection (e) of section 2433 of such title is amended—

(A) by striking out "(e)(1)" and all that follows through the end of paragraph (2) and inserting in lieu thereof the following:

"(e)(1)(A) Except as provided in subparagraph (B), whenever the Secretary concerned determines under subsection (d) that the current program acquisition cost of a major defense acquisition program has increased by more than 15 percent, a Selected Acquisition Report shall be submitted to Congress for the first fiscal-year quarter ending on or after the date of the determination and such report shall include the information described in section 2432(e) of this title. The report shall be submitted within 45 days after the end of that quarter.

"(B) Whenever the Secretary makes a determination referred to in subparagraph (A) in the case of a major defense acquisition program during the second quarter of a fiscal year and before the date on which the President transmits the budget for the following fiscal year to Congress pursuant to section 1105 of title 31, the Secretary is not required to file a Selected Acquisition Report under subparagraph (A) but shall include the information described in subsection (g) regarding that program in the comprehensive annual Selected Acquisition Report submitted in that quarter.

"(2) If the percentage increase in the current program acquisition cost of a major defense acquisition program (as determined by the Secretary under subsection (d)) exceeds 25 percent, the Secretary of Defense shall submit to Congress, before the end of the 30-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title—

"(A) a written certification, stating that—

"(i) such acquisition program is essential to the national security;

"(ii) there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost;

"(iii) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

"(iv) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

"(B) if a report under paragraph (1) has been previously submitted to Congress with respect to such program for the current fiscal year but was based upon a different unit cost report from the program manager to the service acquisition executive designated by the Secretary concerned, a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report."; and

(B) in paragraph (3)—

(i) by striking out "(3)" and inserting in lieu thereof the following: "(3) If a determination of a more than 15 percent increase is made by the Secretary under subsection (d) and a Selected Acquisition Report containing the information described in subsection (g) is not submitted to Congress under paragraph (1), or if a determination of a more than 25 percent increase is made by the Secretary under subsection (d) and the certification of the Secretary of Defense is not submitted to Congress under paragraph (2), funds appropriated for military construction, for research, development, test, and evaluation, and for procurement may not be obligated for a major contract under the program.";

(ii) by striking out "in subsection (d)(3)(B)";

(iii) in clause (A)—

(I) by striking out "report of the Secretary concerned" and inserting in lieu thereof "Selected Acquisition Report"; and

(II) by striking out "(2)(B)(ii)" and inserting in lieu thereof "(2)(B)"; and

(iv) in clause (B)—

(I) by striking out "report of the Secretary concerned" and inserting in lieu thereof "Selected Acquisition Report";

(II) by striking out "(2)(B)(ii)" and inserting in lieu thereof "(2)(B)"; and

(III) by striking out "(2)(B)(i)" and inserting in lieu thereof "(2)(A)".

(6) Subsection (g)(2) of section 2433 of such title is amended by adding at the end the following new sentence: "The certification of the Secretary of Defense under subsection (e) is not required to be submitted for termination or cancellation of a program.".

(b) ENHANCED PROGRAM STABILITY.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(B)(iv), by striking out "development" and inserting in lieu thereof "production"; and

(2) in subsection (b)—

(A) by striking out "senior procurement executive of such military department (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))" in paragraph (1) and inserting in lieu thereof "service acquisition executive designated by such Secretary"; and

(B) by striking out "90 days—" in paragraph (2) and inserting in lieu thereof "180 days—".

(c) SELECTED ACQUISITION REPORTS.—Section 2432(b)(2)(A) of title 10, United States Code, is amended by striking out "5 percent change in total program cost" and inserting in lieu thereof "15 percent increase in program acquisition unit cost and current procurement unit cost".

SEC. 812. THREE-YEAR PROGRAM FOR USE OF MASTER AGREEMENTS FOR PROCUREMENT OF ADVISORY AND ASSISTANCE SERVICES

Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) The Secretary of Defense may enter into agreements (known as 'master agreements') with responsible sources under which the Secretary may issue orders for the performance of specific advisory and assistance services. Any such agreement shall specify terms and conditions for the subsequent procurement of advisory and assistance services from the sources. The period covered by any such agreement may not exceed two years. Any such agreement may only be entered into using procedures that, in the case of the award of a contract, would be competitive procedures. Any such agreement shall be entered into with at least three of the sources that submit offers for the master agreement.

"(2) Following the establishment of sources for advisory and assistance services through the use of a master agreement described in paragraph (1), the Secretary of Defense (A) may request offers from all sources with master agreements for the services for which offers are being requested if the contracting officer determines that there is a reasonable expectation that offers will be obtained from at least two sources, and (B) may issue orders (known as 'task orders') pursuant to the request for offers to such sources for the performance of specific advisory and assistance services, subject to the requirements of this subsection. Any such request for offers shall contain a statement of work clearly specifying all tasks to be performed under the order. Upon evaluation of an offer or offers resulting from a request, the task order shall be issued to the source submitting the offer that the Secretary of Defense determines to be the most advantageous to the United States, considering only cost or price and other factors included in the request for offers.

"(3)(A) The requirements for the giving of notice of certain solicitations that are prescribed in section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall apply to solicitations for offers for a master agreement under this subsection in the same manner and to the same extent as those requirements apply to solicitations for proposals for a contract for services for a price expected to exceed $25,000.

"(B) Such requirements for the giving of notice shall not apply to the issuance of orders under a master agreement entered into pursuant to the procedures established under this section, except that the Secretary of Defense shall furnish for publication by the Secretary of Commerce a notice announcing the order.

"(4) The total value of task orders issued under master agreements by any contracting activity in a fiscal year may not exceed the amount equal to 30 percent of the value of all contracts for advisory and assistance services awarded by that contracting activity during fiscal year 1989.

"(5) The authority provided by this subsection to enter into master agreements shall terminate at the end of the three-year period beginning on the date on which final regulations prescribed to carry out this subsection take effect.".

SEC. 813. AVAILABILITY OF FUNDS FOR OBLIGATION FOLLOWING THE RESOLUTION OF A PROTEST

(a) In General.—Subchapter IV of chapter 15 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 1558. Availability of funds following resolution of a protest

"(a) Notwithstanding section 1552 of this title or any other provision of law, funds available to an agency for obligation for a contract at the time a protest is filed in connection with a solicitation for, proposed award of, or award of such contract shall remain available for obligation for 90 working days after the date on which the final ruling is made on the protest. A ruling is considered final on the date on which the time allowed for filing an appeal or request for reconsideration has expired, or the date on which a decision is rendered on such an appeal or request, whichever is later.

"(b) Subsection (a) applies with respect to any protest filed under subchapter V of chapter 35 of this title or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1558. Availability of funds following resolution of a protest.".

SEC. 814. POST-EMPLOYMENT RESTRICTIONS

(a) Clarification.—(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by inserting ", except as provided in subsection (c)" in subsections (a)(1) and (b)(1) before the semicolon;

(B)(i) by redesignating subsections (j) through (n) as subsections (l) through (p), respectively; and

(ii) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) Recusal.—(1) A procurement official may engage in a discussion with a competing contractor that is otherwise prohibited by subsection (b)(1) if, before engaging in such discussion—

"(A) the procurement official proposes in writing to disqualify himself from the conduct of any procurement relating to the competing contractor (i) for any period during which future employment or business opportunities for such procurement official with such competing contractor have not been rejected by either the procurement official or the competing contractor, and (ii) if determined to be necessary by the head of such procuring official's procuring activity (or his designee) in accordance with criteria prescribed in implementing regulations, for a reasonable period thereafter; and

"(B) the head of that procuring activity of such procurement official (or his designee), after consultation with the appropriate designated agency ethics official, approves in writing the recusal of the procurement official.

"(2) A procurement official who, during the period beginning with the issuance of a procurement solicitation and ending with the award of a contract, has participated personally and substantially in the evaluation of bids or proposals, selection of sources, or conduct of negotiations in connection with such solicitation and contract may not be approved for a recusal under paragraph (1) during such period with respect to such procurement.

"(3) A procurement official who, during the period beginning with the negotiation of a modification or extension of a contract and ending with—

"(A) an agreement to modify or extend the contract, or

"(B) a decision not to modify or extend the contract,

has participated personally and substantially in the evaluation of a proposed modification or extension or the conduct of negotiations may not be approved for a recusal under paragraph (1) during such period with respect to such procurement.

"(4) A competing contractor may engage in a discussion with a procurement official that is otherwise prohibited by subsection (a)(1) if, before engaging in such discussion, the procurement official has been recused in accordance with this subsection.

"(5) Regulations implementing this subsection shall include specific criteria to be used in making determinations and approving recusals under paragraph (1).".

(2) Subsection (f) of such section (as redesignated by paragraph (1)(B)) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out "Restrictions on Governmental Officials and Employees.—No" and all that follows through "shall—" and inserting in lieu thereof "Restrictions Resulting From Procurement Activities of Procurement Officials.—(1) No individual who, while serving as an officer or employee of the Government or member of the Armed Forces, was a procurement official with respect to a particular procurement may knowingly—"; and

(C) by adding at the end the following new paragraph:

"(2) This subsection does not apply to any participation referred to in paragraph (1)(A) or (1)(B) with respect to a subcontractor who is a competing contractor unless—

"(A) the subcontractor is a first or second tier subcontractor and the subcontract is for an amount that is in excess of $100,000;

"(B) the subcontractor significantly assisted the prime contractor with respect to negotiation of the prime contract;

"(C) the procurement official involved in the award, modification, or extension of the prime contract personally directed or recommended the particular subcontractor to the prime contractor as a source for the subcontract; or

"(D) the procurement official personally reviewed and approved the award, modification, or extension of the subcontract.".

(3) Such section is further amended by inserting after subsection (j) (as redesignated by paragraph (1)(B)) the following new subsection (k):

"(k) Ethics Advice.—(1) Regulations implementing this section shall include procedures for a procurement official or former procurement official of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether such procurement official or former procurement official is or would be precluded by this section from engaging in a specified activity.

"(2) A procurement official or former procurement official of an agency who requests advice from a designated agency ethics official pursuant to paragraph (1) shall provide the agency ethics official with all information reasonably available to the procurement official or former procurement official that is relevant to a determination regarding such request.

"(3) Not later than 30 days after the date on which the appropriate designated agency ethics official receives a request for advice pursuant to paragraph (1) accompanied by the information required by paragraph (2), or as soon thereafter as practicable, the official shall issue a written opinion regarding whether the requesting procurement official or former procurement official is precluded by this section from engaging in the specified activity.".

(4) Subsection (o) of such section (as redesignated by paragraph (1)(B)) is amended to read as follows:

"(o) Implementing Regulations and Guidelines.—(1) Government-wide regulations and guidelines appropriate to carry out this section shall be included in the Federal Acquisition Regulation.

"(2) Regulations implementing this section shall—

"(A) define the term 'thing of value' for the purposes of this section and shall include a single uniform Government-wide exclusion at a specific minimal dollar amount; and

"(B) authorize the delegation of the functions assigned to designated agency ethics officials under this section.

"(3) Notwithstanding sections 6 and 25 of this Act, on and after June 1, 1990, the Director of the Office of Government Ethics shall have the responsibility for issuance, modification, or termination of Government-wide regulations implementing paragraphs (1) and (2) of subsection (a), paragraphs (1) and (2) of subsection (b), subsections (c), (f), and (k), and paragraph (2) of this subsection. The Director shall exercise such responsibility in coordination with the Federal Acquisition Regulatory Council.".

(b) DEFINITIONS.—Subsection (p) of section 27 of such Act (as redesignated by subsection (a)(1)(B)) is amended—

(1) in paragraph (1), by striking out "with the development, preparation, and issuance of a procurement solicitation," and inserting in lieu thereof "on the earliest specific date, as determined under implementing regulations, on which an authorized official orders or requests an action described in clauses (i)-(viii) of paragraph (3)(A),";

(2) in paragraph (3), by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The term 'procurement official' means, with respect to any procurement (including the modification or extension of a contract), any civilian or military official or employee of an agency who has participated personally and substantially in any of the following, as defined in implementing regulations:

"(i) The drafting of a specification developed for that procurement.

"(ii) The review and approval of a specification developed for that procurement.

"(iii) The preparation or issuance of a procurement solicitation in that procurement.

"(iv) The evaluation of bids or proposals for that procurement.

"(v) The selection of sources for that procurement.

"(vi) The conduct of negotiations in the procurement.

"(vii) The review and approval of the award, modification, or extension of a contract in that procurement.

"(viii) Such other specific procurement actions as may be specified in implementing regulations."; and

(3) by adding at the end the following new paragraph:

"(8) The term 'designated agency ethics official' has the same meaning as the term 'designated agency official' in section 209(10) of the Ethics in Government Act of 1978 (92 Stat. 1850; 5 U.S.C. App.).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (e) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "(c), or (e)" in paragraph (1)(A)(i) and inserting in lieu thereof "(d), or (f)";

(B) by striking out "(c), or (e)" in paragraph (1)(B)(ii) and inserting in lieu thereof "(d), or (f)";

(C) by striking out "(c), or (e)" in paragraph (2)(A) and inserting in lieu thereof "(d), or (f)";

(D) by striking out "(c), or (e)" in paragraph (3)(A) and inserting in lieu thereof "(d), or (f)"; and

(E) by striking out "subsection (m)" in paragraph (7)(B)(ii), and inserting in lieu thereof "subsection (o)";

(2) in paragraph (1) of subsection (g) (as redesignated by subsection (a)(1)(B)), by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(3) in subsection (h) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "subsection (d)" in paragraph (1) and inserting in lieu thereof "subsection (e)";

(B) by striking out "(b) or (c)" in paragraph (2) and inserting in lieu thereof "(b) or (d)"; and

(C) by striking out "(h) and (i)" in paragraph (3) and inserting in lieu thereof "(i) and (j)";

(4) in subsection (i) (as redesignated by subsection (a)(1)(B)), by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(5) in paragraph (1) of subsection (j) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "subsection (n)" and inserting in lieu thereof "subsection (p)"; and

(B) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)"; and

(6) in subsection (l) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "subsection (b)" in paragraph (1) and inserting in lieu thereof "subsections (b), (c), and (e)"; and

(B) in paragraph (2)—

(i) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (e)"; and

(ii) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)".

(d) WAIVER OF CERTAIN RESTRICTIONS ON FORMER GOVERNMENT PERSONNEL.—(1) Subsection (f) of section 27 of the Office of Federal Procurement Policy Act, as redesignated and amended by subsection (a), is further amended by adding at the end the following:

"(3)(A)(i) The President may grant a waiver of a restriction imposed by paragraph (1) (relating to post-Government service employment) to an officer or employee described in subparagraph (B) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Federal Government. Not more than 25 officers and employees currently employed by the Government at any one time may hold waivers under this subparagraph.

"(ii) A waiver granted under this subparagraph to any person shall apply only with respect to activities engaged in by that person after that person's Government employment is terminated and only to that person's employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person's Government employment began.

"(B) Waivers under subparagraph (A) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

Effective date. Federal Register, publication.

"(C) A certification under subparagraph (A) shall take effect upon its publication in the Federal Register and shall identify—

"(i) the officer or employee covered by the waiver by name and by position, and

"(ii) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

"(D) The President may not delegate the authority provided by this paragraph.

Reports.

"(E)(i) Each person granted a waiver under this paragraph shall prepare reports, in accordance with clause (ii), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in clause (ii), and if so, what those activities were.

"(ii) A report under clause (i) shall cover each six-month period beginning on the date of the termination of the person's Government employment (with respect to which the waiver under this paragraph was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this subparagraph shall be made available for public inspection and copying.

Public information.

President of U.S.

"(iii) If a person fails to file any report in accordance with clauses (i) and (ii), the President shall revoke the waiver and notify the person of the revocation. The revocation shall take effect upon the person's receipt of the notification and shall remain in effect until the report is filed.

"(iv) Any person who is granted a waiver under this paragraph shall be ineligible for appointment in the civil service unless all reports required of such person by clauses (i) and (ii) have been filed.

"(D) As used in this paragraph, the term 'civil service' has the meaning given that term in section 2101 of title 5, United States Code.".

(2) Section 207 of title 18, United States Code, is amended by adding at the end the following:

"(k)(1)(A) The President may grant a waiver of a restriction imposed by this section to any officer or employee described in paragraph (2) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Federal Government. Not more than 25 officers and employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph.

"(B) A waiver granted under this paragraph to any person shall apply only with respect to activities engaged in by that person after that person's Federal Government employment is terminated and only to that person's employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person's Federal Government employment began.

"(2) Waivers under paragraph (1) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

Effective date.
Federal Register, publication.

"(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

"(A) the officer or employee covered by the waiver by name and by position, and

"(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

"(4) The President may not delegate the authority provided by this subsection.

Reports.

"(5)(A) Each person granted a waiver under this subsection shall prepare reports, in accordance with subparagraph (B), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in subparagraph (B), and if so, what those activities were.

"(B) A report under subparagraph (A) shall cover each six-month period beginning on the date of the termination of the person's Federal Government employment (with respect to which the waiver under this subsection was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this paragraph shall be made available for public inspection and copying.

Public information.

President of U.S.

"(C) If a person fails to file any report in accordance with subparagraphs (A) and (B), the President shall revoke the waiver and shall notify the person of the revocation. The revocation shall take effect upon the person's receipt of the notification and shall remain in effect until the report is filed.

"(D) Any person who is granted a waiver under this subsection shall be ineligible for appointment in the civil service unless all reports required of such person by subparagraphs (A) and (B) have been filed.

"(E) As used in this subsection, the term 'civil service' has the meaning given that term in section 2101 of title 5.".

41 USC 423 note.

(e) IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this section, regulations implementing the amendments made by this section to the provisions of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405, 421), after coordination with the Director of the Office of Government Ethics.

SEC. 815. DEFENSE MEMORANDA OF UNDERSTANDING AND RELATED AGREEMENTS

(a) CONSIDERATION OF MATTERS AFFECTING UNITED STATES INDUSTRY.—Section 2504 of title 10, United States Code, is amended to read as follows:

"§ 2504. Defense memoranda of understanding and related agreements

Research and development.

"(a) CONSIDERATIONS IN MAKING AND IMPLEMENTING MOUs AND RELATED AGREEMENTS.—In the negotiation, renegotiation, and implementation of any existing or proposed memorandum of understanding, or any existing or proposed agreement related to a memorandum of understanding, between the Secretary of Defense, acting on behalf of the United States, and one or more foreign countries (or any instrumentality of a foreign country) relating to research, development, or production of defense equipment, the Secretary of Defense shall—

"(1) consider the effects of such existing or proposed memorandum of understanding or related agreement on the defense industrial base of the United States; and

"(2) regularly solicit and consider comments and recommendations from the Secretary of Commerce with respect to the commercial implications of such memorandum of understanding or related agreement and the potential effects of such memorandum of understanding or related agreement on the international competitive position of United States industry.

"(b) INTER-AGENCY REVIEW OF EFFECTS ON UNITED STATES INDUSTRY.—Whenever the Secretary of Commerce has reason to believe that an existing or proposed memorandum of understanding or related agreement has, or threatens to have, a significant adverse effect on the international competitive position of United States industry, the Secretary may request an inter-agency review of the memorandum of understanding or related agreement. If, as a result of the review, the Secretary determines that the commercial interests of the United States are not being served or would not be served by adhering to the terms of such existing memorandum or related agreement or agreeing to such proposed memorandum or related agreement, as the case may be, the Secretary shall recommend to the President the renegotiation of the existing memorandum or related agreement or any modification to the proposed memorandum of understanding or related agreement that he considers necessary to ensure an appropriate balance of interests.

"(c) LIMITATION ON ENTERING INTO MOUs AND RELATED AGREEMENTS.—A memorandum of understanding or related agreement referred to in subsection (a) may not be entered into or implemented if the President, taking into consideration the results of the inter-agency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 148 of such title is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

"2504. Defense memoranda of understanding and related agreements.".

SEC. 816. OFFSETS IN RECIPROCAL DEFENSE PROCUREMENT AGREEMENTS

Section 825(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2021) is amended— 10 USC 2505 note.

(1) by transferring the text of paragraph (2) to the end of paragraph (1) and in that text striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 29, 1988"; and

President of U.S.

(2) by inserting the following after "(2)": "In the negotiation or renegotiation of any memorandum of understanding between the United States and one or more foreign countries relating to the reciprocal procurement of defense equipment and supplies or research and development, the President shall make every effort to achieve an agreement with the country or countries concerned that would limit the adverse effects that offset arrangements have on the defense industrial base of the United States.".

SEC. 817. SIMPLIFIED APPROVAL OF CONTRACTS IMPLEMENTING CERTAIN INTERNATIONAL AGREEMENTS

(a) EXCEPTION.—Paragraph (2) of section 2304(f) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) in the case of a procurement permitted by subsection (c)(4), but only if the head of the contracting activity prepares a document in connection with such procurement that describes the terms of an agreement or treaty, or the written directions, referred to in that subsection that have the effect of requiring the use of procedures other than competitive procedures and such document is approved by the competition advocate for the procuring activity.".

(b) PUBLIC INSPECTION.—Paragraph (4) of such section is amended by inserting after "any related information" the following: ", and any document prepared pursuant to paragraph (2)(E),".

SEC. 818. DELEGATION OF APPROVAL AUTHORITY FOR CERTAIN CONTRACT ACTIONS

(a) APPROVAL AUTHORITY.—Section 2304(f) of title 10, United States Code, is amended in paragraph (1)(B)—

(1) by striking out "or" after the semicolon in clause (ii);

(2) by redesignating clause (iii) as clause (iv) and striking out "$10,000,000" in such clause and inserting in lieu thereof "$50,000,000"; and

(3) by inserting after clause (ii) the following new clause (iii):

"(iii) in the case of a contract for an amount exceeding $10,000,000 (but equal to or less than $50,000,000), by the senior procurement executive of the agency designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) or the senior procurement executive's delegate designated pursuant to paragraph (6)(B), or in the case of the Under Secretary of Defense for Acquisition, acting in his capacity as the senior procurement executive for the Department of Defense, the Under Secretary's delegate designated pursuant to paragraph (6)(C); or".

(b) DELEGATION.—Such section is amended in paragraph (6)—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) The authority of the senior procurement executive under paragraph (1)(B)(iii) may be delegated only to an officer or employee within the senior procurement executive's organization who—

"(i) if a member of the armed forces, is a general or flag officer; or

"(ii) if a civilian, is serving in a position in grade GS-16 or above (or in a comparable or higher position under any other schedule for civilian officers or employees).".

(c) CONFORMING AMENDMENTS.—(1) Clause (iv) of section 2304(f)(1)(B) of such title (as designated) is amended by striking out "paragraph (6)(B)" and inserting in lieu thereof "paragraph (6)(C)".

(2) Subparagraph (C) of section 2304(f)(6) of such title (as redesignated) is amended by striking out "paragraph (1)(B)(iii)" and inserting in lieu thereof "paragraph (1)(B)(iv)".

SEC. 819. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 301 for Defense Agencies for fiscal years 1990 and 1991 for operation and maintenance, $9,000,000 shall be available for each of such fiscal years only for the purpose of carrying out cooperative agreements under chapter 142 of title 10, United States Code.

(b) SET-ASIDE.—Of the amounts provided for in subsection (a), $600,000 shall be available for each of the fiscal years 1990 and 1991 for the purpose of carrying out programs sponsored by eligible entities named in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas (as defined in subparagraph (B) of section 2411(2) of such title). If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds authorized under this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

(c) ASSISTANCE FURNISHED TO CERTAIN INDIAN ORGANIZATIONS.—(1) Subsection (a) of section 2414 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) in the case of a program operating on a Statewide basis, other than a program referred to in clause (3) or (4), $300,000;

"(2) in the case of a program operating on less than a Statewide basis, other than a program referred to in clause (3) or (4), $150,000;

"(3) in the case of a program operated wholly within one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, $150,000; or

"(4) in the case of a program operated wholly within more than one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, $300,000.".

(2) Subsection (b) of such section is amended by inserting "or is operated wholly within one or more service areas of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(a)(1)(D) of this title" after "or on less than a Statewide basis".

PART C—OTHER ACQUISITION POLICY MATTERS

SEC. 821. REQUIREMENT FOR CERTIFICATE OF INDEPENDENT PRICE DETERMINATION IN CERTAIN DEPARTMENT OF DEFENSE CONTRACT SOLICITATIONS

Regulations.
Territories, U.S.

The Secretary of Defense shall propose a revision to the Federal Acquisition Regulation to provide that the exception contained in part 3.103-1 of the Federal Acquisition Regulation for work performed by foreign suppliers outside the United States, its possessions, and Puerto Rico be repealed.

SEC. 822. UNIFORM RULES ON DISSEMINATION OF ACQUISITION INFORMATION

Regulations.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in the Department of Defense Supplement to the Federal Acquisition Regulation a single, uniform regulation for the Department of Defense regarding dissemination of, and access to, acquisition information.

SEC. 823. LIMITATION ON AUTHORITY TO WAIVE BUY AMERICAN ACT REQUIREMENT

41 USC 10b-2. (a) DETERMINATION BY SECRETARY OF DEFENSE.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of that agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement, including any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products produced in that country.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1990 and 1991. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

10 USC 2325 note.

SEC. 824. ACQUISITION OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS

(a) IN GENERAL.—The Secretary of Defense shall—

(1) prescribe regulations as provided in subsection (b); and

(2) conduct an analysis as provided in subsection (c).

(b) REGULATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment new regulations to carry out the requirements in this subsection and rescind any regulations that are inconsistent with the requirements of this subsection. The Secretary shall promulgate final regulations to carry out such requirements not later than 270 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall develop a simplified uniform contract for the acquisition of commercial items by the Department of Defense and shall require that such simplified uniform contract be used for the acquisition of commercial items to the maximum extent practicable. The uniform contract shall include only—

(A) those contract clauses that are required to implement provisions of law applicable to such an acquisition; and

(B) those contract clauses that are appropriate, as determined by the Secretary of Defense, for a contract for such an acquisition.

In addition to the clauses described in subparagraphs (A) and (B), a contract for the acquisition of commercial items may include only such clauses as are essential for the protection of the Federal

Government's interest in the particular contract, as determined in writing by the contracting officer for such contract.

(3) The Secretary of Defense shall require that a prime contractor under a Department of Defense contract for the acquisition of commercial items be required to include in subcontracts under such contract only—

(A) those contract clauses that are required to implement provisions of law applicable to such subcontracts; and

(B) those contract clauses that are appropriate, as determined by the Secretary of Defense, for such a subcontract.

In addition to the clauses described in subparagraphs (A) and (B), a contractor under a Department of Defense contract for the acquisition of commercial items may be required to include in a subcontract under such contract only such clauses as are essential for the protection of the Federal Government's interest in the particular subcontract, as determined in writing by the contracting officer for such contract.

(4) The Secretary of Defense shall require the use, in appropriate circumstances, of a modified inspection clause with streamlined inspection procedures in each Department of Defense contract for the acquisition of commercial items awarded to a contractor that (A) has a proven record of high quality production, and (B) offers an appropriate warranty to protect the Federal Government's interest in acquiring a high quality product.

(5) The Secretary of Defense shall require the use, in appropriate circumstances, of standard commercial warranties in each Department of Defense contract for the acquisition of commercial items.

(6) The Secretary of Defense shall revise the regulations governing the applicability of the exemption contained in section 2306a(b)(1)(B) of title 10, United States Code, consistent with the public interest. In revising such regulations, the Secretary (A) shall address the standards for applying such exemption to contracts and subcontracts for items which are modifications to commercial items, components of commercial items, spare parts for commercial items, new commercial items, or commercial items which are no longer sold to the public, and (B) shall ensure that cost or pricing data are not required in connection with contracts and subcontracts qualifying for an exemption under the regulations as revised under this paragraph.

(c) ANALYSIS.—(1) The Secretary of Defense shall conduct an analysis of impediments to the acquisition of nondevelopmental items by the Department of Defense. In conducting the analysis, the Secretary shall consider, at a minimum, the following:

(A) Whether to expand the regulations governing the acquisition and distribution of commercial products to address the procurement of nondevelopmental items.

(B) Whether revisions to the regulations governing specifications, standards, and other purchase descriptions are necessary to implement the statutory requirement that product specifications be stated in terms of functions to be performed, performance required, or essential physical characteristics, and to minimize the use of specifications unique to the Department of Defense.

(C) Whether to establish a presumption that the Department of Defense should not request technical data on commercial items.

(D) Whether the Secretary of Defense should make greater use of the authority granted the Secretary in law to exempt defense contracts for commercial items from the application of various requirements.

(2) Not later than 270 days after the date of the enactment of this Act, the Secretary shall develop and submit to the Committees on Armed Services of the Senate and House of Representatives a plan of action for addressing any impediments identified in the analysis required by paragraph (1). The plan shall include a specific schedule for the following:

(A) Rescission of any regulations that are identified as impediments to the acquisition of nondevelopmental items.

(B) Publication for public comment of new regulations to carry out the plan.

(C) Submission to Congress of proposals for such legislative changes as may be needed to carry out the plan.

(d) TRAINING.—(1) The Secretary of Defense shall establish a program for training contracting officers, program managers, and other appropriate acquisition personnel in the acquisition of nondevelopmental items.

(2) The training program shall provide, at a minimum, for the following:

(A) Training in the requirements of the regulations promulgated pursuant to this section, the requirements of section 2325 of title 10, United States Code, and regulations prescribed pursuant to that section.

(B) Training of contracting officers in the fundamental principles of price analysis and other alternative means of determining price reasonableness.

(C) Training of appropriate acquisition personnel in market research techniques and in the drafting of functional and performance specifications.

(e) DEMONSTRATION PROGRAM FOR ITEMS ISSUED TO MEMBERS.—(1) The Secretary of Defense shall carry out a demonstration program in accordance with this subsection with respect to the procurement of individual items of clothing issued to members of the Armed Forces. Under the demonstration program, the Secretary shall—

(A) identify those items of clothing that are the same as, or similar to, clothing items produced by commercial sources for sale to consumers other than the Armed Forces; and

(B) designate for acquisition in accordance with this subsection certain of such items (hereinafter in this subsection referred to as "demonstration items") as the Secretary considers appropriate for acquisition under the demonstration program.

(2) With respect to a portion (determined by the Secretary) of the contracts for demonstration items entered into by the Department of Defense, the Secretary shall—

(A) include in the solicitations for such items a specification reflecting design and functional requirements that are comparable to those used in the award of commercial contracts;

(B) require each offeror to submit a sample article of the item;

(C) provide in the evaluation criteria included in the solicitation that award of the contract will be made to the proposal which is most advantageous to the United States, considering only cost or price and other factors included in the solicitation;

(D) evaluate competitive proposals, either with or without discussions, and the sample article received in response to a solicitation for such items and award a contract in accordance with the evaluation criteria included in the solicitation; and

(E) require each contractor awarded a contract for such items to produce items identical in all major characteristics (including quality) to the sample article submitted with the contractor's bid or proposal.

(3) The demonstration program required under this subsection shall apply with respect to solicitations for demonstration items covered by the program issued after the end of the 180-day period beginning on the date of the enactment of this Act and before October 1, 1993.

SEC. 825. STUDY AND REPORT ON DEFENSE EXPORT FINANCING

President of U.S.

(a) STUDY.—The President shall conduct a study of export financing of defense articles. In the course of the study, the President shall—

(1) examine the effect of export financing on the ability of United States industry to compete in the international market for defense products;

(2) determine the extent to which other countries support commercial financing for defense exports through official government credit programs;

(3) determine the extent to which United States private capital is used to support defense exports and the obstacles that United States lending institutions face in providing additional support; and

(4) determine the feasibility and desirability of using existing or new Government export guarantee programs to provide greater private capital support for United States defense exports.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall submit to Congress a report on the findings of the study under subsection (a).

PART D—PROVISIONS RELATING TO SMALL AND SMALL DISADVANTAGED BUSINESSES

SEC. 831. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES

(a) EXTENSION OF CONTRACT GOAL.—Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) is amended by striking out "and 1990" in subsections (a) and (h) and inserting in lieu thereof "1990, 1991, 1992, and 1993".

(b) PRICE DIFFERENTIAL.—Subsection (e) of such section is amended by adding at the end of paragraph (3) the following sentence: "The Secretary shall adjust the percentage specified in the preceding sentence for any industry category if available information clearly indicates that nondisadvantaged small business concerns in such industry category are generally being denied a reasonable opportunity to compete for contracts because of the use of that percentage in the application of this paragraph.".

(c) REPORT DEADLINE.—Subsection (g) of such section is amended—

(1) by striking out "Between May 1 and May 30" in paragraph (1) and inserting in lieu thereof "Not later than July 15"; and

(2) by striking out "Between October 1 and October 10" in paragraph (2) and inserting in lieu thereof "Not later than December 15".

10 USC 2301 note.

SEC. 832. CREDIT FOR INDIAN CONTRACTING IN MEETING CERTAIN MINORITY SUBCONTRACTING GOALS

(a) REGULATIONS.—Subject to subsections (b) and (c), in any case in which a subcontracting goal is specified in a Department of Defense contract in the implementation of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) and section 8(d) of the Small Business Act (15 U.S.C. 637(d)), credit toward meeting that subcontracting goal shall be given for—

(1) work performed in connection with that Department of Defense contract, and work performed in connection with any subcontract awarded under that Department of Defense contract, if such work is performed on any Indian lands and meets the requirements of paragraph (1) of subsection (b); or

(2) work performed in connection with that Department of Defense contract, and work performed in connection with any subcontract awarded under that Department of Defense contract, if the performance of such contract or subcontract is undertaken as a joint venture that meets the requirements of paragraph (2) of that subsection.

(b) ELIGIBLE WORK.—(1) Work performed on Indian lands meets the requirements of this paragraph if—

(A) not less than 40 percent of the workers directly engaged in the performance of the work are Indians; or

(B) the contractor or subcontractor has an agreement with the tribal government having jurisdiction over such Indian lands that provides goals for training and development of the Indian workforce and Indian management.

(2) A joint venture undertaking to perform a contract or subcontract meets the requirements of this paragraph if—

(A) an Indian tribe or tribally owned corporation owns at least 50 percent of the joint venture;

(B) the activities of the joint venture under the contract or subcontract provide employment opportunities for Indians either directly or through the purchase of products or services for the performance of such contract or subcontract; and

(C) the Indian tribe or tribally owned corporation manages the performance of such contract or subcontract.

(c) EXTENT OF CREDIT.—The amount of the credit given toward the attainment of any subcontracting goal under subsection (a) shall be—

(1) in the case of work performed as described in subsection (a)(1), the value of the work performed; and

(2) in the case of a contract or subcontract undertaken to be performed by a joint venture as described in subsection (a)(2), an amount equal to the amount of the contract or subcontract multiplied by the percentage of the tribe's or tribally owned corporation's ownership interest in the joint venture.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the implementation of this section.

(e) DEFINITIONS.—In this section:

(1) The term "Indian lands" has the meaning given that term by section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4)).

(2) The term "Indian" has the meaning given that term by section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) The term "Indian tribe" has the meaning given that term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) The term "tribally owned corporation" means a corporation owned entirely by an Indian tribe.

SEC. 833. TEST PROGRAM FOR USE OF BOND WAIVER AUTHORITY UNDER SMALL BUSINESS ACT TO ASSIST CERTAIN SMALL DISADVANTAGED BUSINESS CONCERNS

15 USC 636 note.

The Secretary of Defense and the Small Business Administration shall establish a program for fiscal years 1990 and 1991 to test the use of the authority provided by section 7(j)(13)(D) of the Small Business Act (15 U.S.C. 636(j)(13)(D)). Under the test program, the Secretary of Defense shall make every reasonable effort during each such fiscal year to award not less than 30 contracts for construction projects (including repair and alteration of existing facilities) to participants in the Minority Small Business and Capital Ownership Development Program of the Small Business Administration who have been granted surety bond exemptions under the authority provided by section 7(j)(13)(D) of such Act.

SEC. 834. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS

15 USC 637 note.

(a) Test Program.—(1) The Secretary of Defense shall establish a test program under which one contracting activity in each military department and Defense Agency is authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive small business subcontracting plans will result in an increase in opportunities provided for small business concerns under Department of Defense contracts.

(2) In developing the test program, the Secretary of Defense shall—

(A) consult with the Administrator of the Small Business Administration; and

(B) provide an opportunity for public comment on the test program.

(b) Comprehensive Small Business Subcontracting Plan.—(1) In a demonstration project under the test program, the Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (3).

(2) The comprehensive subcontracting plan—

(A) shall provide for small business concerns to participate as subcontractors in the contracts awarded by the Secretary or agency head to the contractor (or any division or operating element of the contractor) to which the subcontracting plan applies; and

(B) shall apply to the entire business organization of the contractor or to one or more of the contractor's divisions or operating elements, as specified in the subcontracting plan.

(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan, a business concern that, during the fiscal year ending on September 30, 1989—

(A) pursuant to at least five Department of Defense contracts, furnished supplies or services (including professional services) to the Department of Defense, engaged in research and development for the Department, or performed construction for the Department; and

(B) was paid $25,000,000 or more for such contract activities.

(c) Waiver of Certain Small Business Act Subcontracting Plan Requirements.—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

(3) the comprehensive subcontracting plan applies to the contract.

(d) Failure To Make a Good Faith Effort To Comply With a Company-wide Subcontracting Plan.—A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its company-wide plan and the goals specified in that plan.

(e) Test Program Period.—The test program authorized by subsection (a) shall begin on October 1, 1990, unless Congress adopts a resolution disapproving the test program. The test program shall terminate on September 30, 1993.

(f) Report.—(1) Not later than March 1, 1994, the Secretary of Defense shall submit a report on the results of the test program to the Committees on Armed Services and on Small Business of the Senate and the House of Representatives.

(2) Before submitting such report to the committees referred to in paragraph (1), the Secretary shall transmit the proposed report to the Administrator of the Small Business Administration. The report submitted to the committees shall include any comments and recommendations relating to the report that are transmitted to the Secretary by the Administrator before the date specified in such paragraph.

(g) Definitions.—As used in this section:

(1) The term "small business concern" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals.

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

PART E—DEFENSE INDUSTRIAL AND TECHNOLOGY BASE

SEC. 841. CRITICAL TECHNOLOGIES PLANNING

(a) NATIONAL CRITICAL TECHNOLOGIES PANEL.—(1) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VI—NATIONAL CRITICAL TECHNOLOGIES PANEL

"ESTABLISHMENT

"SEC. 601. The Director of the Office of Science and Technology Policy shall establish within that office a National Critical Technologies Panel (hereinafter in this title referred to as the 'panel'). The panel shall prepare the biennial national critical technologies report required by section 603. 42 USC 6681.

"MEMBERSHIP

"SEC. 602. (a) The panel shall consist of 13 members appointed from among persons who are experts in science and engineering as follows: 42 USC 6682.

"(1) The Director of the Office of Science and Technology Policy shall appoint nine members, of whom—

"(A) three shall be Federal Government officials; and

"(B) six shall be appointed from persons in private industry and higher education.

"(2) The Secretary of Defense shall appoint one member, who shall be an official of the Department of Defense.

"(3) The Secretary of Energy shall appoint one member, who shall be an official of the Department of Energy.

"(4) The Secretary of Commerce shall appoint one member, who shall be an official of the Department of Commerce.

"(5) The Administrator of the National Aeronautics and Space Administration shall appoint one member, who shall be an official of that agency.

"(b)(1) Members appointed under subsection (a)(1)(B) shall serve for a term of two years.

(2) Any vacancy in the membership of the panel shall be filled in the same manner as the original appointment.

"(c) The Director shall designate one of the members appointed under subsection (a)(1)(A) as chairman of the panel.

"BIENNIAL NATIONAL CRITICAL TECHNOLOGIES REPORT

"SEC. 603. (a) The panel shall submit to the President a biennial report on national critical technologies. Each such report shall identify those product technologies and process technologies that the panel considers to be national critical technologies. The number of the such technologies identified in any such report may not exceed 30. The reports shall be submitted not later than October 1 of even-numbered years. 42 USC 6683.

"(b) For purposes of subsection (a), a product or process technology may be considered to be a national critical technology if the panel determines it to be a technology that it is essential for the United States to develop to further the long-term national security and economic prosperity of the United States.

"(c) Each such report shall include, with respect to each technology identified in the report, the following information:

"(1) The reasons for the panel's selection of that technology.

"(2) The state of the development of that technology in the United States and in other countries.

"(3) An estimate of the current and anticipated level of research and development effort in the United States, including anticipated milestones for specific accomplishments, by—

"(A) the Federal Government;

"(B) State and local governments;

"(C) private industry; and

"(D) colleges and universities.

President of U.S.

"(d) Not later than 30 days after the date on which a report is submitted to the President under this section, the President shall transmit the report, together with any comments that the President considers appropriate, to Congress.

"ADMINISTRATION AND FUNDING OF PANEL

42 USC 6684.

"SEC. 604. The Director of the Office of Science and Technology Policy shall provide administrative support for the panel. Funds for necessary expenses of the panel shall be provided for fiscal years after fiscal year 1990 from funds appropriated for that Office.

"EXPIRATION

42 USC 6685.

"SEC. 605. The provisions of this title shall cease to be effective on December 31, 2000, and the panel shall terminate on that date.".

42 USC 6684 note.

(2) The Secretary of Defense shall reimburse the Director of the Office of Science and Technology Policy for the reasonable expenses, not to exceed $500,000, incurred by the National Critical Technologies Panel during fiscal year 1990.

(b) ANNUAL DEFENSE CRITICAL TECHNOLOGIES PLAN.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2508. Annual defense critical technologies plan

"(a) ANNUAL PLAN.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual plan for developing the technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most critical to ensuring the long-term qualitative superiority of United States weapon systems. The number of such technologies identified in any plan may not exceed 20. Each such plan shall be developed in consultation with the Secretary of Energy.

"(2) In selecting the technologies to be included in the plan for any year, the Secretary of Defense and the Secretary of Energy shall consider both product technologies and process technologies, including the technologies identified in the most recent biennial report submitted to the President by the National Critical Technologies Panel under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976.

"(3) Each such plan shall cover the 15 fiscal years following the year in which the plan is submitted.

Classified information. Public information.

"(4) Such plan shall be submitted not later than March 15 of each year and shall be submitted in both classified and unclassified form.

"(b) PRIORITIES AND FUNDING.—Each plan submitted under subsection (a) shall—

"(1) designate priorities for development of the technologies identified in the plan; and

"(2) specify the funding requirements of the Department of Defense, the Department of Energy, and other appropriate departments and agencies of the Federal Government for the development of the technologies identified in the plan for the five fiscal years following the year in which the plan is submitted.

"(c) CONTENT OF PLAN.—Each plan submitted under subsection (a) shall include, with respect to each technology identified in the plan, the following:

"(1) The reasons for the selection of that technology, including—

"(A) a discussion of the consideration given to the most recent biennial report submitted to the President under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976; and

"(B) the relationship of the technology to the overall science and technology program of the Department of Defense and the long-term funding strategy associated with that program.

"(2) A designation of the lead organization within the Department of Defense or the Department of Energy responsible for the development of the technology.

"(3) A summary description of the lead organization's plan for the development of the technology, including the milestone goals.

"(4) The amounts contained in the budgets of the Department of Defense, the Department of Energy, and other departments and agencies for the support of the development of such technology for—

"(A) the five preceding fiscal years; and

"(B) the fiscal year beginning in the year in which the plan is submitted; and

"(C) each fiscal year thereafter for which the Secretary of Defense, with respect to the Department of Defense, and the Secretary of Energy, with respect to the Department of Energy, has prepared a budget.

"(5) A comparison of the positions of the United States and the Soviet Union in the development of that technology.

"(6) The potential contributions that the allies of the United States and other industrialized nations can make to meet the needs of the United States and its allies for that technology.

"(7) A comparison of the extent to which the United States has access to research conducted on such technology in allied nations and other industrialized nations with the extent to which such nations have access to research conducted in the United States on such technology and a discussion of the effects of any imbalance in such access on development of that technology.

"(8) With respect to the development of such technology—

"(A) a comparison of the relative positions of the United States and other industrialized countries that are prominent in the development of such technology;

"(B) the trends in the relevant industrial bases of such countries;

"(C) the competitiveness of the United States industrial base supporting research in, and the development and use of, such technology;

"(D) the extent to which the United States should depend on other countries for the development of such technology; and

"(E) the extent to which action should be taken by the Federal Government to maintain and improve—

"(i) research efforts in the United States; and

"(ii) the industrial base supporting such efforts.

"(9) The potential contributions that the private sector can be expected to make from its own resources in connection with the development of civilian applications for such technology.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2508. Annual defense critical technologies plan.".

(c) AGREEMENTS FOR STUDIES.—(1) Section 2368 of title 10, United States Code, is amended to read as follows:

"§ 2368. Critical technologies research

"(a) AGREEMENTS.—The Secretary of Defense may enter into agreements with the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine for the conduct of studies in fields of research and development essential to the development of the technologies identified in the most recent biennial report submitted to the President by the National Critical Technologies Panel under section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976.

"(b) CONSULTATION WITH DIRECTOR OF OSTP.—An agreement under subsection (a) may be entered into only after consultation with the Director of the Office of Science and Technology Policy.

"(c) FUNDING LIMITATION.—The Secretary may not obligate more than $500,000 for agreements under subsection (a) in any fiscal year.".

(2) The item relating to that section 2368 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2368. Critical technologies research.".

SEC. 842. DEFENSE INDUSTRIAL INFORMATION AND CRITICAL INDUSTRIES PLANNING

(a) EXPANDED FUNCTIONS OF THE DEFENSE INDUSTRIAL BASE OFFICE.—Section 2503 of title 10, United States Code, is amended—

(1) by striking out "at a minimum—" in the matter preceding paragraph (1) and inserting in lieu thereof "at a minimum, do the following:";

(2) by amending the first word of each of paragraphs (1) through (4) so that the initial letter of such word is uppercase;

(3) by striking out the semicolon at the end of each of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

"(5) Establish and implement a consolidated analysis program (A) to assess and monitor worldwide capabilities in technologies critical to the national security of the United States, and (B) to monitor defense-related manufacturing capabilities of the United States.".

(b) Critical Industries Planning.—Section 2503 of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new paragraph:

"(6) Identify the industries most critical for national security applications of the technologies identified in the most recent annual defense critical technologies plan submitted under section 2508 of this title.".

(c) Report on Defense Industrial Base.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the actions taken under section 2503 of title 10, United States Code, for the improvement of the defense industrial base of the United States.

(2) The report shall include Under Secretary's analysis of the condition of the defense industrial base of the United States, particularly with respect to the financial ability of United States businesses—

(A) to conduct research and development activities relating to critical defense technologies, including the critical technologies identified in the first annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code, as added by section 841(b) of this Act;

(B) to apply those technologies to the production of goods and the furnishing of services; and

(C) to engage in any other activities determined by the Secretary of Defense to be critical to the national security.

(3) In preparing the analysis required in paragraph (2), the Secretary, acting through the Under Secretary of Defense for Acquisition, shall consider—

(A) trends in the profitability, levels of capital investment, spending on research and development, and debt burden of businesses involved in research on, development of, and application of critical defense technologies;

(B) the consequences of mergers, acquisitions, and takeovers of such businesses;

(C) the results of current Department of Defense spending for critical defense technologies; and

(D) the likely future level of Department of Defense spending for such technologies during the four fiscal years following fiscal year 1990 and the likely results of that level of spending.

(4) The report under this subsection shall be submitted not later than March 15, 1990.

SEC. 843. SCIENTIFIC AND TECHNICAL EDUCATION

(a) Findings.—Congress makes the following findings:

(1) The possession and maintenance of technologically superior systems in the Department of Defense is a critical part of the national defense strategy of the United States.

(2) Defense programs use a significant portion of the entire science and technology workforce of the United States.

(3) The science and technology workforce of the United States has been declining in recent years and that decline threatens

the supply of qualified engineers and scientists for the Department of Defense in the future.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of Defense should take such actions as may be necessary and appropriate to promote and encourage, at precollege through post-doctoral levels, an increase in the number of citizens and nationals of the United States who pursue courses of study in science, engineering, and other technical disciplines.

(c) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, by February 1, 1990, a report on current, expanded, and proposed new programs of the Department of Defense and, as appropriate, proposed interagency programs to preserve and perpetuate an effective scientific and engineering workforce for the United States for the future. The Secretary, in coordination with the Director of the Office of Science and Technology Policy, shall include in the report an evaluation of the following concepts:

(1) Summer internships at Department of Defense laboratories for precollege teachers of sciences, engineering, or other technical disciplines.

(2) An award program for exceptional precollege teachers in sciences, engineering, or other technical disciplines.

(3) A scholarship program for undergraduates in scientific or technical education who plan to teach those disciplines at the precollege level.

(4) Expanding the Barry Goldwater Scholarship and Excellence in Education Program or any other such program that the Secretary and the Director mutually agree would promote increases in scientific and engineering careers.

(d) NATIONAL DEFENSE SCIENCE AND ENGINEERING GRADUATE FELLOWSHIPS.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 111—NATIONAL DEFENSE SCIENCE AND ENGINEERING GRADUATE FELLOWSHIPS

"Sec.
"2191. Graduate fellowships.

"§ 2191. Graduate fellowships

Regulations.

"(a) The Secretary of Defense shall prescribe regulations providing for the award of fellowships to citizens and nationals of the United States who agree to pursue graduate degrees in science, engineering, or other fields of study designated by the Secretary to be of priority interest to the Department of Defense.

"(b) A fellowship awarded pursuant to regulations prescribed under subsection (a) shall be known as a 'National Defense Science and Engineering Graduate Fellowship'.

Minorities.
Women.
Disabled persons.

"(c) National Defense Science and Engineering Graduate Fellowships shall be awarded solely on the basis of academic ability. The Secretary shall take all appropriate actions to encourage applications for such fellowships of persons who are members of groups (including minority groups, women, and disabled persons) which historically have been underrepresented in science and technology fields. Recipients shall be selected on the basis of a nationwide competition. The award of a fellowship under this section may not be predicated on the geographic region in which the recipient lives or the geographic region in which the recipient will pursue an advanced degree.

"(d) The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients;

"(3) the basis for determining the amount of a fellowship; and

"(4) the maximum amount that may be awarded to an individual during an academic year.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are each amended by inserting after the item relating to chapter 110 the following new item:

"111. National Defense Science and Engineering Graduate Fellowships .... 2191".

(e) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $10,500,000 of the amount appropriated for fiscal year 1990 and $11,000,000 of the amount authorized to be appropriated for fiscal year 1991 shall be available for National Defense Science and Engineering Graduate Fellowships provided for under chapter 111 of title 10, United States Code (as added by subsection (c)).

PART F—MISCELLANEOUS

SEC. 851. AUTHORITY TO CONTRACT WITH UNIVERSITY PRESSES FOR PRINTING, PUBLISHING, AND SALE OF HISTORY OF THE OFFICE OF THE SECRETARY OF DEFENSE

19 USC 2242 note.

The Government Printing Office, on behalf of the Secretary of Defense, shall contract for services for the printing, publishing, and sale of volumes III and IV of the publication entitled "History of the Office of the Secretary of Defense" using procurement procedures that exclude sources other than university presses.

SEC. 852. PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be a very important consideration in the procurement of property, services, or technology by the Department of Defense whether such procurement is from any person of any country which has been identified by the United States Trade Representative, on the advice of the Commissioner of Patents and Trademarks in the Department of Commerce and the Register of Copyrights, pursuant to section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242) as denying adequate and effective protection of intellectual property rights or fair and equitable market access to United States persons that rely upon intellectual property protection.

(b) REPORT.—(1) If the Secretary of Defense takes any action, upon the direction of the United States Trade Representative (in consultation with the Commissioner of Patents and Trademarks and the Register of Copyrights), with respect to the procurement of property, services, or technology by the Department of Defense on the basis of the consideration set forth in subsection (a), the Secretary shall submit promptly to the committees described in paragraph (2) a report describing the nature of such action and the reasons for such action.

(2) The committees to which the report required by paragraph (1) shall be submitted are the Committees on Armed Services, on Finance, and on the Judiciary of the Senate and the Committees on Armed Services, on Ways and Means, and on the Judiciary of the House of Representatives.

SEC. 853. ACQUISITION LAWS TECHNICAL AMENDMENTS

(a) Repeal of Duplicate Provision; Restoration of Inadvertently Stricken Provision.—(1) Section 2324 of title 10, United States Code, is amended—

(A) by striking out "(l)(1)" and all that follows through "In subsection (k):" and inserting in lieu thereof "(6) In this subsection:";

(B) by redesignating subsection (l) as subsection (m); and

(C) by inserting after subsection (k) the text of subsection (k) of such section as in effect on the day before the date of the enactment of the Major Fraud Act of 1988 (Public Law 100-700; 102 Stat. 4631 et seq.), with such text designated as subsection (l).

10 USC 2324 note.

(2) Section 833(c) of Public Law 100-456 (102 Stat. 2024) is amended by striking out "section 2324(k)" and inserting in lieu thereof "section 2324(m)".

Effective date. 10 USC 2324 note.

(3) The amendments made by this subsection shall take effect as of November 19, 1988.

(b) References to FAR.—(1) Section 2302 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) The term 'Federal Acquisition Regulation' means the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).".

(2) Section 2320(a) of such title is amended by striking out paragraph (4).

(3) Clause (i) of section 2324(k)(5)(B) of such title is amended by striking out "the single" and all that follows through the period and inserting in lieu thereof "the Federal Acquisition Regulation.".

(c) Procurement Management Personnel Clarifications.—(1) Paragraph (2) of section 1621 of title 10, United States Code, is amended to read as follows:

"(2) The term 'procurement command' means any of the following:

"(A) The Army Materiel Command, the Army Information Systems Command, and the Army Strategic Defense Command.

"(B) Any Navy weapons systems command, the Navy Strategic Systems Program Office, and the Marine Corps Research, Development and Acquisition Command.

"(C) The Air Force Systems Command and the Air Force Logistics Command.

"(D) Any successor organization to any command or office named in subparagraphs (A) through (C).".

(2) Section 1622(b)(2) of such title is amended—

(A) by striking out "acquisition, support, and maintenance of weapon systems," and inserting in lieu thereof "acquisition of weapon systems or related items of supply,"; and

(B) by inserting before the period the following: "or to a staff of a service acquisition executive, program executive officer, or program manager of a military department".

(3) Section 1623 of such title is amended—

(A) in subsection (a), by inserting "or on the staff of a service acquisition executive, program executive officer, or program manager of a military department" before the period at the end of the first sentence; and

(B) in subsection (b), by striking out "procurement command," and inserting in lieu thereof "procurement command or on the staff of a service acquisition executive, program executive officer, or program manager of a military department,".

(4) The amendments made by this subsection shall take effect as of July 1, 1989.

Effective date. 10 USC 1621 note.

(d) CORRECTION OF REFERENCE.—Section 2304(b)(2) of title 10, United States Code, is amended—

(1) by striking out "An executive agency" and inserting in lieu thereof "The head of an agency";

(2) by inserting "concerns" before "other than"; and

(3) by inserting before the period the following: "and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)".

(e) CROSS-REFERENCE CORRECTION.—Section 2411(1)(D) of title 10, United States Code, is amended—

(1) by striking out "section 4(c)" and inserting in lieu thereof "section 4(l)"; and

(2) by striking out "450(c)" and inserting in lieu thereof "450b(l)".

(f) CORRECTION OF INCONSISTENCY.—Section 2305(b)(4)(D) of title 10, United States Code, is amended by inserting "cost or" after "considering only".

TITLE IX—MATTERS RELATING TO NATO MEMBER NATIONS AND OTHER ALLIES

PART A—CONVENTIONAL FORCE REDUCTIONS IN EUROPE

SEC. 901. FRAMEWORK FOR DETERMINING CONVENTIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT

Reports.

(a) EVALUATION OF EFFECT OF WARSAW PACT REDUCTIONS AND OF POSSIBLE CFE AGREEMENT.—The Secretary of Defense shall submit to the congressional defense committees a report providing the Secretary's evaluation of the effect upon requirements of the United States for conventional forces and for military spending that could be anticipated under the following assumptions:

Union of Soviet Socialist Republics.

(1) The full implementation of the unilateral force reductions in, and subsequent reorganization of, forces of the Soviet Union described by the President of the Soviet Union on December 7, 1988, and the unilateral force reductions subsequently announced by the other members of the Warsaw Pact.

(2) Entry into force of a conventional arms control agreement establishing rough parity in conventional forces in Europe between forces of the North Atlantic Treaty Organization and the Warsaw Pact at equal levels (at approximately 85 to 90 percent of NATO's current inventory) of tanks, artillery, armored troop carriers, combat helicopters, and land-based combat aircraft.

(b) MATTERS TO BE INCLUDED IN EVALUATION.—In carrying out the evaluation required by subsection (a) of the unilateral force reductions referred to in paragraph (1) of that subsection and the potential effect of an agreement referred to in paragraph (2) of that subsection, the Secretary shall include in the evaluation (at a minimum) the following (stated for both the near-term and mid-term):

(1) An assessment of the threat to NATO under the assumptions specified in each of paragraphs (1) and (2) of subsection (a).

(2) The effect on the defense strategy of the United States for meeting its NATO commitments in the changing threat environment, including the effect on the ability of NATO to defend against an attack by the Warsaw Pact (A) on short warning, or (B) during a crisis in Europe.

(3) The effect on—

(A) the mix of active and reserve forces of the United States;

(B) the ratio of (i) conventional forces of the United States deployed in the European theater, to (ii) conventional forces of the United States deployed in the continental United States; and

(C) air and sea lift requirements.

(3) The effect on operational military concepts of the United States and NATO (such as Follow-on Forces Attack (FOFA), AirLand Battle, Maritime Strategy, and Rapid Reinforcement) that were initially developed to counter the large advantage of the Warsaw Pact in conventional land forces in the European theater.

(4) The effect on equipment requirements of the United States for meeting its commitments to NATO in the 1990s.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1991 pursuant to section 1105 of title 31, United States Code. The report shall be submitted in both classified and unclassified form.

SEC. 902. IMPLICATIONS OF MUTUAL REDUCTIONS IN CONVENTIONAL FORCES IN EUROPE BY NATO AND WARSAW PACT MEMBER NATIONS

(a) COMMENDATION OF PRESIDENT'S CONVENTIONAL ARMS REDUCTION INITIATIVE.—Congress commends and supports the President's conventional arms control initiative announced in Brussels on May 29, 1989, in which the President proposed, and the North Atlantic Treaty Organization (NATO) agreed, that NATO expand its negotiating position at the negotiations on reductions in conventional forces in Europe (begun in Vienna on March 9, 1989, and known as the "CFE Talks") to include—

(1) substantial reductions by each side to equal ceilings of helicopters and combat aircraft; and

(2) a reduction to a common ceiling of United States military personnel stationed in Western Europe and Soviet military personnel stationed in Eastern Europe.

(b) PRESIDENTIAL REPORT.—(1) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress an unclassified report, with classified annexes as necessary, on the foreign policy and military implications to NATO and to the Warsaw Pact of significant reductions of conventional forces by NATO and Warsaw Pact countries to a ceiling which is the same for both sides.

(2) The report shall address possible force reduction scenarios for a second round of CFE negotiations and shall be based upon two different assumptions with regard to the level of reductions in personnel and equipment to be made. Under the first assumption, personnel and equipment would be reduced to a level 25 percent below current NATO levels. Under the second assumption, personnel and equipment would be reduced to a level 50 percent below current NATO levels.

(3) The report shall include the following:

(A) A comprehensive net assessment of the current balance between NATO forces and Warsaw Pact forces and of the overall trends in that balance, including an assessment of the trends in active and reserve forces and in total equipment holdings in stationed and indigenous forces.

(B) A description of the likely alternative force postures that could be adopted by member nations of both alliances (particularly by the United States and the Soviet Union) under each of the assumptions analyzed, together with a description of the possible effects of restructuring of both NATO and Warsaw Pact forces in Europe for defensive purposes.

(C) A statement of the costs (or savings) to the United States, over at least a seven-year period, estimated to be associated with each force posture described under subparagraph (B), together with an analysis of how those costs (or savings) were determined.

(D) An analysis of the implications for NATO strategy, security, and military policy under each of the reduction levels referred to in paragraph (2), including a net assessment of the resulting balance between NATO forces and Warsaw Pact forces.

(E) An assessment of the effects under each of the reduction levels referred to in paragraph (2) (including the alternative force postures under each assumption) upon the stability of the conventional balance of forces in Europe.

(F) An assessment of the ability of NATO to defend Europe under each of the assumed reduction levels in the event of an attack by the Warsaw Pact (i) on short warning, or (ii) during a crisis in Europe.

(G) An assessment of the effects under each of the reduction levels referred to in paragraph (2) on—

(i) the short-range nuclear force requirements of NATO;

(ii) the requirements of the United States for POMCUS and war-reserve stocks;

(iii) the requirements of NATO for airlift and sealift based in the United States and for reinforcing units from the United States; and

(iv) the ability of the United States to meet global military requirements.

SEC. 903. REPORT ON VERIFICATION MEASURES FOR POSSIBLE CONVENTIONAL ARMS CONTROL AGREEMENT

President of U.S.

(a) Report.—The President shall submit to Congress a report on the types of measures that would be required to verify the proposal for reductions in conventional forces in Europe adopted by the member nations of the North Atlantic Treaty Organization (NATO) on May 30, 1989.

(b) Matters To Be Included in Report.—The President shall include in the report under subsection (a) the following:

(1) A discussion of the types of information that it would be necessary for the parties to such an agreement to exchange for such verification.

(2) A discussion of the range of options under consideration by the executive branch for defining what constitutes a militarily significant violation of a conventional arms control agreement.

(3) A description of the national technical means, on-site inspections, and other cooperative measures that would be necessary to detect violations of such an agreement, including—

(A) an analysis of the measures that would be required to monitor (i) the withdrawal and demobilization of military personnel, and (ii) the withdrawal and (if required by the agreement) the destruction of military equipment provided for in any such agreement; and

(B) the President's judgment on those on-site inspections and confidence building measures under consideration that are the most acceptable, and the least acceptable, to the NATO alliance and the Warsaw Pact, including an assessment of the counterintelligence aspects of such measures for NATO.

(4) A discussion of the procedures the NATO alliance would follow in the event of a violation of such an agreement by a member of the Warsaw Treaty Organization.

(c) Data Base Analysis.—(1) The report under subsection (a) shall also include a comprehensive analysis of—

(A) the uncertainties in the data bases to be used by United States intelligence with respect to the military forces of NATO member nations and Warsaw Pact member nations located in the proposed areas of reduction;

(B) the uncertainties in the estimates of the trends in such forces; and

(C) the differences in the data bases and counting rules used by the United States, the allies of the United States, and the Warsaw Pact member nations.

(2) The analysis under paragraph (1) shall address separately the uncertainties in the estimates of each of the following:

(A) Active forces.

(B) Reserve forces.

(C) Equipment subject to reductions and ceilings.

(D) Indigenous forces.

(E) Stationed forces.

(d) Submission of Report.—The report required by subsection (a) shall be submitted not later than March 1, 1990. The report shall include such comments and recommendations as the President determines appropriate. The report shall be submitted in both classified and unclassified versions.

Part B—Burden Sharing

SEC. 911. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE

(a) Reduction Required.—Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "326,414" and inserting in lieu thereof "311,855".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on September 30, 1991.

22 USC 1928 note.

SEC. 912. ACTIVE-DUTY FORCES IN EUROPE OF MEMBER NATIONS OF NATO

22 USC 1928 note.

(a) Findings.—Congress makes the following findings:

(1) Member nations of the North Atlantic Treaty Organization (NATO), at the initiative of the President, have presented to the nations of the Warsaw Pact a comprehensive proposal concerning reductions in conventional forces in Europe for consideration in the negotiations on Conventional Armed Forces in Europe (CFE).

(2) An agreement based on that proposal would significantly enhance security and stability in Europe and the cause of peace worldwide.

(3) Irrespective of developments in the CFE negotiations, several member nations of NATO are considering making significant unilateral reductions over the next several years in the number of their active-duty forces in Europe.

(4) Such unilateral reductions in active-duty forces before an agreement on CFE enters into force would—

(A) undercut efforts by NATO to improve its conventional defense posture in Europe, increase reliance by NATO on the threat of the early use of nuclear weapons to deter aggression, and undermine the NATO arms control negotiating posture in the CFE negotiations; and

(B) exacerbate longstanding burdensharing tensions among member nations of NATO.

(5) Despite shifts in relative economic power from the United States to some of the major allies of the United States, the costs of mutual defense continue to be borne disproportionately by the United States.

(6) Adjustments in burdensharing are long overdue.

(b) Definitions.—For purposes of this section:

(1) The term "active-duty forces in Europe" means those active-duty military personnel assigned to permanent duty ashore in European member nations of NATO, except that such term does not include INF-related forces.

(2) The term "INF-related forces" means those active-duty military personnel assigned to permanent duty ashore in European member nations of NATO who are to be demobilized or withdrawn from Europe as a result of the elimination of the intermediate-range nuclear weapons of the United States pursuant to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

(3) The term "U.S. end-strength level in Europe" means the actual number of active-duty forces in Europe of the Armed Forces of the United States at the end of a fiscal year.

(4) The term "allied forces end-strength level in Europe" means the actual number of active-duty forces in Europe of the armed forces of member nations of NATO (other than the United States) in Europe at the end of a fiscal year.

(c) BASELINE REPORT ON ACTIVE-DUTY FORCES IN EUROPE.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the number of the active-duty forces in Europe of the member nations of NATO. The report shall identify the following:

(1) The U.S. end-strength level in Europe for fiscal year 1989.

(2) The allied forces end-strength level in Europe for fiscal year 1989.

(3) The actual number of active-duty forces in Europe of the armed forces of each member nation of NATO (other than the United States) at the end of fiscal year 1989.

(4) The ratio (expressed in terms of a percentage) of—

(A) the U.S. end-strength level in Europe; to

(B) the allied forces end-strength level in Europe.

(d) U.S.-ALLIED FORCES RATIO.—(1) The ratio identified for fiscal year 1989 under subsection (c)(4) is hereinafter in this section referred to as the "baseline U.S.-allied forces ratio".

(2) The ratio identified in an annual report under subsection (e) is hereinafter in this section referred to as the "U.S.-allied forces ratio".

(e) ANNUAL REPORT ON MAINTAINING ACTIVE-DUTY FORCES IN EUROPE.—(1) During each of the fiscal years 1991, 1992, and 1993, the Secretary of Defense shall prepare a report identifying for the preceding fiscal year the following:

(A) The U.S. end-strength level in Europe for the fiscal year covered by the report.

(B) The allied forces end-strength level in Europe for such fiscal year.

(C) The ratio (expressed in terms of a percentage) of the U.S. end-strength level in Europe to the allied forces end-strength level in Europe for the fiscal year covered by the report.

(2) The Secretary shall include in each such report the following:

(A) A statement of whether there has been any change in the U.S.-allied forces ratio for such fiscal year compared with—

(i) the baseline U.S.-allied forces ratio; and

(ii) after fiscal year 1991, the U.S-allied forces ratio for the fiscal year immediately preceding the fiscal year covered by such report.

(B) In the case of a change in the U.S.-allied forces ratio for such fiscal year, a description of the amount of such change and any explanation of the cause for such change.

(C) A discussion of any action taken by the United States during such fiscal year to encourage member nations of NATO (other than the United States) to increase the number of their active-duty forces in Europe and the results of that action.

(3)(A) Except as provided in subparagraph (B), the report required by paragraph (1) shall be submitted to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives not later than April 1 of each fiscal year referred to in such paragraph.

(B) The Secretary shall be considered to have complied with subparagraph (A) in a fiscal year if the Secretary includes the information required by paragraphs (1) and (2) in the report submitted in such year pursuant to section 1002(d)(2) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note).

(f) LIMITATION ON OBLIGATION OF FUNDS.—(1) If the Secretary of Defense states in a report prepared under subsection (e) that the U.S.-allied forces ratio for the fiscal year covered by such report is greater than the baseline U.S.-allied forces ratio by more than one-tenth of one percentage point—

President of U.S.

(A) the President shall undertake appropriate diplomatic initiatives to persuade the member nations of NATO (other than the United States) to increase the number of their active-duty forces in Europe so that the U.S.-allied forces ratio no longer exceeds the baseline U.S.-allied forces ratio; and

(B) funds appropriated to or for the use of the Department of Defense may not be obligated or expended for the next fiscal year to support active-duty forces in Europe of the Armed Forces of the United States at an end-strength level that would cause the U.S-allied forces ratio in such fiscal year to exceed the baseline U.S.-allied forces ratio by more than one-tenth of one percentage point.

President of U.S.

(2) The President may waive the provisions of paragraph (1) if the President determines that such action is critical to the national security of the United States. The President shall immediately notify Congress of such a waiver and the reasons for such waiver.

(3) Paragraph (1) shall not apply in the event of a declaration of war or an armed attack on any member nation of NATO or in the event that a comprehensive arms reduction agreement enters into force as a result of the negotiations on Conventional Armed Forces in Europe (CFE).

(g) END-STRENGTH PERMANENT CEILING.—Nothing in this section shall be construed to permit the obligation or expenditure of funds to support an end-strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level in excess of the permanent ceiling specified in section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note).

SEC. 913. CONTRIBUTIONS BY JAPAN TO GLOBAL SECURITY

(a) FINDINGS.—Congress finds—

(1) that extraordinary political, economic, and social changes have occurred in Japan since World War II; and

(2) that, as a result of such changes, Japan is capable of assuming increased responsibility for its own security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in view of the changes referred to in subsection (a), Japan should—

(1) assume increased responsibility for its own security;

(2) offset the direct costs incurred by the United States in deploying military forces for the defense of Japan, including costs (other than pay and allowances) related to the presence of United States military personnel in Japan; and

(3) make a contribution to the common defense that is more commensurate with its economic status by taking the following actions:

(A) Increasing expenditures for its Official Development Assistance program and its defense programs so that, by

1992, the level of spending by Japan on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization (NATO) on official development assistance and defense programs (stated as a percentage of their respective gross national products).

(B) Devoting any increase in its spending for such Official Development Assistance program primarily to the Republic of the Philippines and to countries in regions of importance to global stability outside of East Asia, particularly to countries in Latin America, the Caribbean area, and the Mediterranean area.

(C) Devoting any increase in spending for that program primarily to untied grants and increasing the portion of total expenditures made in that program for those multilateral financial institutions of which Japan is a member.

(D) Designating those nations that are to be recipients of increased development assistance referred to in subparagraphs (A) through (C) after consultation with Japan's security partners.

(E) Completing, after consultation with the United States, the 5-year defense program of Japan for fiscal years 1986 through 1990 and, at the earliest possible date after the completion of that program, fulfilling the pledge made by the Prime Minister of Japan in May 1981 to defend the territory, airspace, and sea lanes of Japan to a distance of 1,000 nautical miles.

(F) Acquiring "off-the-shelf" military equipment from the United States (including completely equipped, long-range early warning aircraft, additional AEGIS weapon systems, refueling aircraft, munitions, and spare parts) in developing the capabilities called for in Japan's current and subsequent 5-year defense programs.

President of U.S.

International agreements.

(c) NEGOTIATIONS AND CONSULTATIONS.—At the earliest practicable date after the enactment of this Act, the President shall—

(1) enter into negotiations with Japan for the purpose of achieving an agreement under which Japan agrees to make contributions sufficient in value to meet the direct cost of deploying United States forces for the defense of Japan; and

(2) issue an invitation to the Government of Japan and other governments of Pacific allies of the United States to engage in annual multilateral consultations on security concerns, consistent with the constitutions and national defense requirements of the respective countries.

(d) REPORTS.—(1) In order that Congress may determine whether further action is appropriate, not later than April 1, 1990, the President shall submit to the congressional committees described in paragraph (3) an initial report on the status and results of—

(A) the negotiations with Japan referred to in subsection (c)(1); and

(B) the invitation required under subsection (c)(2), including any consultations resulting from such invitation.

(2) Not later than one year after the date of the enactment of this Act, the President shall submit to such congressional committees a second report on the status and results of the matters referred to in paragraph (1).

(3) The congressional committees referred to in this subsection are the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 914. REPORT ON COSTS ASSOCIATED WITH OVERSEAS DEPENDENTS

(a) Report Required.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on practicable options available to the Department of Defense to reduce costs associated with maintaining overseas—

(1) dependents of members of the Armed Forces; and

(2) dependents of civilian employees of the Department of Defense.

(b) Elements of Report.—In preparing the report required by subsection (a), the Secretary shall specifically address, at a minimum, the following:

(1) Whether expansion of incentives for unaccompanied tours of duty overseas would be effective in increasing the number of such tours and whether such an expansion of incentives would be cost effective.

(2) Whether more frequent rotation of overseas personnel without dependents would result in overall savings as compared to current rotation practices.

(3) Whether an increase in the use of local contractors at overseas stations to provide services currently being provided by Department of Defense personnel would result in overall savings to the United States.

(4) The cost implications for United States families at overseas stations resulting from an increase in the use of local contractors.

(5) Whether costs associated with the support of overseas dependents would change from a reduction in personnel under a conventional forces in Europe (CFE) agreement.

(6) Whether the granting of fewer exceptions to the length of overseas duty tours would reduce permanent change of station costs.

(7) The extent to which overseas facilities could be consolidated and centralized to reduce administrative and overhead costs.

(8) The extent to which reductions in family support services at overseas stations could be made without materially affecting the standard of living of the personnel assigned to duty at such stations.

(9) Whether reductions in overseas family support costs would likely result in increased costs in programs in the United States.

(10) The extent to which dependents would be likely to accompany members of the Armed Forces and civilian employees of the Department of Defense to overseas stations in the absence of each of the various types of special assistance and benefits currently provided to overseas dependents.

(11) The effect that a reduction or termination of the various types of the special assistance and benefits for overseas dependents would have on combat readiness, morale, and retention.

(b) Time for Submission.—The report required by subsection (a) shall be submitted not later than February 1, 1990.

SEC. 915. UNITED STATES-REPUBLIC OF KOREA SECURITY RELATIONSHIP AND OTHER SECURITY MATTERS IN EAST ASIA

(a) FINDINGS.—Congress makes the following findings:

(1) Since the end of the Korean conflict, the Republic of Korea has made tremendous progress in rebuilding its economic and military strength.

(2) Despite this progress, an indigenous military balance has not yet been achieved on the Korean peninsula, and the Democratic People's Republic of Korea continues to pose a serious threat to the security of the Republic of Korea.

(3) The alliance between the United States and the Republic of Korea has contributed greatly to the security of both countries.

(4) The Republic of Korea has dedicated a large share of its national resources to its security, as shown by the fact that defense expenditures comprise approximately one-third of the national budget of the Republic of Korea.

(5) The United States has contributed a large amount of national resources, including approximately 44,000 military personnel, to protecting the security interests that it shares with the Republic of Korea.

(6) The presence of United States military personnel in the Republic of Korea contributes to the preservation of peace on the Korean peninsula, serves as a military deterrent, and is a tangible manifestation of the commitment of the United States to the defense of the Republic of Korea.

(7) In accordance with its obligations under the 1954 Mutual Defense Treaty with the Republic of Korea, the United States remains committed to the security and territorial integrity of the Republic of Korea.

President of U.S. Reports.

(b) SENSE OF CONGRESS ON THE UNITED STATES-REPUBLIC OF KOREA SECURITY RELATIONSHIP.—(1) It is the sense of Congress that—

(A) the United States should review the missions, force structure, and locations of its military forces in the Republic of Korea and East Asia;

(B) the Republic of Korea should assume increased responsibility for its own security;

(C) the Republic of Korea should offset more of the direct costs incurred by the United States in deploying military forces for the defense of the Republic of Korea; and

(D) the United States and the Republic of Korea should consult on the feasibility and desirability of partial, gradual reductions of United States military forces in the Republic of Korea.

(2) In order that Congress may determine whether further action is appropriate, not later than April 1, 1990, the President shall submit to the congressional committees described in subsection (d) an initial report on the status and results of any consultations held by the United States and the Republic of Korea on the matter referred to in paragraph (1)(D).

(3) Not later than one year after the date of the enactment of this Act, the President shall submit to such congressional committees a second report on the status and results of the consultations referred to in paragraph (1)(D).

(c) REPORT ON MILITARY PRESENCE IN EAST ASIA.—(1) Not later than April 1, 1990, the President shall submit to the congressional committees described in subsection (d) a report on the military presence of the United States in East Asia, including the Republic of Korea. The President shall include in such report a strategic plan relating to the continued United States military presence in East Asia.

(2) The report required by this subsection shall specifically include the following:

(A) An assessment of the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in East Asia.

People's Republic of China.

(B) Identification of any changes in the missions, force structure, and locations of United States forces in East Asia that could strengthen the capabilities of such forces and lower the costs of maintaining such forces.

(C) A discussion of ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the allies of the United States in East Asia.

(D) Identification of the additional actions that the Republic of Korea can take to contribute more to its own security.

(E) A discussion of the feasibility of restructuring United States military forces stationed in Okinawa with the objective of improving civil-military relations and increasing United States training opportunities.

Japan.

(F) A discussion of the status and prospects of negotiations between the United States and the Republic of the Philippines on the continued use of United States military installations in the Republic of the Philippines.

Republic of the Philippines.

(G) An assessment of whether a requirement still exists for a regional security role for United States forces stationed in the Republic of Korea.

(3) The report required by this subsection shall also include a five-year plan with respect to the United States military presence in the Republic of Korea, including a discussion of the feasibility and desirability of the following:

(A) Partial, gradual reductions in the number of United States military personnel stationed in the Republic of Korea.

(B) Larger offsets by the Republic of Korea for the direct costs incurred by the United States in deploying military forces in defense of the Republic of Korea.

(C) The relocation of United States military personnel and facilities within the Republic of Korea that can be made to reduce friction between such personnel and the people of the Republic of Korea.

(D) Changes in the United Nations and United States-Republic of Korea bilateral command arrangements that would facilitate a transfer of certain military missions and command to the Republic of Korea.

(E) Confidence-building measures that could be promoted in northeast Asia to lessen tensions in the region.

(F) Additional actions the Republic of Korea could take to assume more responsibility for its own security.

(d) CONGRESSIONAL COMMITTEES TO RECEIVE REPORTS.—The congressional committees referred to in this section are the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

PART C—EXPENDITURES IN EUROPE

SEC. 921. LIMITATION ON EXPENDITURES FOR RELOCATION OF FUNCTIONS LOCATED AT TORREJON AIR BASE, MADRID, SPAIN

(a) LIMITATION.—During the period beginning on June 27, 1989, and ending on October 1, 1993, not more than $360,000,000 may be obligated or expended from funds available to the Department of Defense for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, on June 15, 1989, to any other location outside the United States.

(b) COUNTING OF NATO INFRASTRUCTURE CONTRIBUTIONS.—For purposes of subsection (a), contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, that are used (directly or indirectly) for the purpose of relocations described in subsection (a) shall be included in determining the amount expended on such relocations.

(c) COUNTING OF REPAYMENTS FOR NATO INFRASTRUCTURE FAMILY HOUSING COMMITMENTS.—(1) All amounts which the United States is obligated to pay under a housing reimbursement agreement described in paragraph (2) shall be deemed to be amounts obligated for purposes of subsection (a), regardless of when the agreement is entered into or when payments pursuant to the agreement are to be made.

(2) A housing reimbursement agreement for purposes of paragraph (1) is an agreement calling for the United States to make a series of annual payments as repayment for advances for the cost of construction, through the NATO Infrastructure program, of military family housing in connection with the relocations described in subsection (a).

(d) EXCLUSION FOR PERSONNEL EXPENSES.—There shall be excluded from the determination of amounts expended on relocations described in subsection (a) amounts spent for expenses associated with permanent change of station moves and other personnel-related expenses.

SEC. 922. SENSE OF CONGRESS CONCERNING UNITED STATES MILITARY FACILITIES IN NATO MEMBER COUNTRIES

(a) NATO POLICY.—It is the sense of Congress that the North Atlantic Treaty Organization (NATO) should adopt as its policy the following views expressed by the North Atlantic Assembly in its 1987 report entitled "NATO in the 1990s":

(1) The member nations of NATO should examine further measures that could be taken to relieve the United States from the burdens of its military presence in Europe.

(2) Such nations should consider the provision of base facilities for allied forces and equipment as a part of their national contributions to Western security.

(3) Such nations should not expect compensation for providing facilities that the NATO alliance decides are essential to implement NATO security strategy.

(4) All wealthier member nations of NATO should assist Portugal, Greece, and Turkey to ensure that NATO remains politically, economically, and militarily strong in its southern region as well as in its central and northern regions.

(b) UNITED STATES PAYMENT FOR USE OF BASE FACILITIES IN NATO COUNTRIES.—It is further the sense of Congress that the United

States should not provide economic or security assistance to any NATO member nation as compensation or rent for the use of base facilities in that nation.

PART D—COOPERATIVE AGREEMENTS

SEC. 931. CODIFICATION OF CERTAIN ALLIED COOPERATIVE AGREEMENTS STATUTES

(a) STATUTORY REORGANIZATION.—Chapter 138 of title 10, United States Code, is amended—

(1) by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 138—COOPERATIVE AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES

"Subchapter

"I. Acquisition and Cross-Servicing Agreements........ 2341
"II. Other Cooperative Agreements........ 2350a

"SUBCHAPTER I—ACQUISITION AND CROSS-SERVICING AGREEMENTS";

and

(2) by adding at the end the following:

"SUBCHAPTER II—OTHER COOPERATIVE AGREEMENTS

"Sec.

"2350a. Cooperative research and development projects: allied countries.
"2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment.
"2350c. Cooperative military airlift agreements: allied countries.
"2350d. Cooperative logistic support agreements: NATO countries.
"2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense.
"2350f. Procurement of communications support and related supplies and services

"§ 2350a. Cooperative research and development projects: allied countries

"(a) AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.—The Secretary of Defense may enter into a memorandum of understanding (or other formal agreement) with one or more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions.

"(b) REQUIREMENT THAT PROJECTS IMPROVE CONVENTIONAL DEFENSE CAPABILITIES.—(1) The Secretary of Defense may not enter into a memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project under this section unless the Secretary determines that the proposed project will improve, through the application of emerging technology, the conventional defense capabilities of the North Atlantic Treaty Organization (NATO) or the common conventional defense capabilities of the United States and its major non-NATO allies.

"(2) The authority of the Secretary to make a determination under paragraph (1) may only be delegated to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

"(c) COST SHARING.—Each cooperative research and development project entered into under this section shall require sharing of the costs of the project between the participants on an equitable basis.

"(d) RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.—(1) In order to assure substantial participation on the part of the major allies of the United States in cooperative research and development projects, funds made available for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity.

"(2) A major ally of the United States may not use any military or economic assistance grant, loan, or other funds provided by the United States for the purpose of making that ally's contribution to a cooperative research and development program entered into with the United States under this section.

"(e) COOPERATIVE OPPORTUNITIES DOCUMENT.—(1)(A) In order to ensure that opportunities to conduct cooperative research and development projects are considered at an early point during the formal development review process of the Department of Defense in connection with any planned project of the Department, the Under Secretary of Defense for Acquisition shall prepare an arms cooperation opportunities document with respect to that project for review by the Defense Acquisition Board at formal meetings of the Board.

"(B) The Under Secretary shall also prepare an arms cooperation opportunities document for review of each new project for which a document known as a Mission Need Statement is prepared.

"(2) An arms cooperation opportunities document referred to in paragraph (1) shall include the following:

"(A) A statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the major allies of the United States.

"(B) If a project similar to the one under consideration by the Department of Defense is in development or production by one or more major allies of the United States, an assessment by the Under Secretary of Defense for Acquisition as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the project of the United States under consideration by the Department of Defense.

"(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more major allies of the United States.

"(D) The recommendation of the Under Secretary as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more major allies of the United States.

"(f) REPORTS TO CONGRESS.—(1) Not later than March 1 of each year, the Under Secretary of Defense for Acquisition shall submit to the Speaker of the House of Representatives and the Committees on Armed Services and Appropriations of the Senate a report on cooperative research and development projects under this section. Each such report shall include—

"(A) a description of the status, funding, and schedule of existing projects carried out under this section for which memoranda of understanding (or other formal agreements) have been entered into; and

"(B) a description of the purpose, funding, and schedule of any new projects proposed to be carried out under this section (including those projects for which memoranda of understanding (or other formal agreements) have not yet been entered into) for which funds have been included in the budget submitted to Congress pursuant to section 1105 of title 31 for the fiscal year following the fiscal year in which the report is submitted.

"(2) The Secretary of Defense and the Secretary of State, whenever they consider such action to be warranted, shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

"(A) enumerating those countries to be added to or deleted from the existing designation of countries designated as major non-NATO allies for purposes of this section; and

"(B) specifying the criteria used in determining the eligibility of a country to be designated as a major non-NATO ally for purposes of this section.

"(g) SIDE-BY-SIDE TESTING.—(1) It is the sense of Congress—

"(A) that the Secretary of Defense should test conventional defense equipment, munitions, and technologies manufactured and developed by major allies of the United States to determine the ability of such equipment, munitions, and technologies to satisfy United States military requirements or to correct operational deficiencies; and

"(B) that while the testing of nondevelopmental items and items in the late state of the development process are preferred, the testing of equipment, munitions, and technologies may be conducted to determine procurement alternatives.

"(2) The Secretary of Defense may acquire equipment, munitions, and technologies of the type described in paragraph (1) for the purpose of conducting the testing described in that paragraph.

"(3) The Deputy Director, Defense Research and Engineering (Test and Evaluation) shall notify the Speaker of the House of Representatives and the Committees on Armed Services and on Appropriations of the Senate of the Deputy Director's intent to obligate funds made available to carry out this subsection not less than 30 days before such funds are obligated.

"(4) The Secretary of Defense shall include in the annual report to Congress required by section 2457(d) of this title information on—

"(A) the equipment, munitions, and technologies manufactured and developed by major allies of the United States that were evaluated under this subsection during the previous fiscal year;

"(B) the obligation of any funds under this subsection during the previous fiscal year; and

"(C) the equipment, munitions, and technologies that were tested under this subsection and procured during the previous fiscal year.

"(h) SECRETARY TO ENCOURAGE SIMILAR PROGRAMS.—The Secretary of Defense shall encourage major allies of the United States to establish programs similar to the one provided for in this section.

"(i) DEFINITIONS.—In this section:

"(1) The term 'cooperative research and development project' means a project involving joint participation by the United

States and one or more major allies of the United States under a memorandum of understanding (or other formal agreement) to carry out a joint research and development program—

"(A) to develop new conventional defense equipment and munitions; or

"(B) to modify existing military equipment to meet United States military requirements.

"(2) The term 'major ally of the United States' means—

"(A) a member nation of the North Atlantic Treaty Organization (other than the United States); or

"(B) a major non-NATO ally.

"(3) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.".

(b) TRANSFER OF EXISTING TITLE 10 SECTIONS.—(1) Section 2407 of title 10, United States Code (relating to acquisition of defense equipment under cooperative agreements), is transferred to the end of chapter 138 of such title (as amended by subsection (a)) and redesignated as section 2350b.

(2) Section 2213 of such title (relating to cooperative military airlift agreements), is transferred to the end of chapter 138 of such title (as amended by paragraph (1)), redesignated as section 2350c, and amended in subsection (d) by striking out "chapter 138 of this title" and inserting in lieu thereof "subchapter I".

(c) CODIFICATION OF EXISTING NON-TITLE 10 SECTION.—Chapter 138 of such title (as amended by subsection (b)) is further amended by adding at the end the following new section:

"§ 2350d. Cooperative logistic support agreements: NATO countries

"(a) GENERAL AUTHORITY.—(1) The Secretary of Defense may enter into bilateral or multilateral agreements known as Weapon System Partnership Agreements with one or more governments of other member countries of the North Atlantic Treaty Organization (NATO) participating in the operation of the NATO Maintenance and Supply Organization. Any such agreement shall be for the purpose of providing cooperative logistics support for the armed forces of the countries which are parties to the agreement. Any such agreement—

"(A) shall be entered into pursuant to the terms of the charter of the NATO Maintenance and Supply Organization; and

"(B) shall provide for the common logistic support of a specific weapon system common to the participating countries.

"(2) Such an agreement may provide for—

"(A) the transfer of logistics support, supplies, and services by the United States to the NATO Maintenance and Supply Organization; and

"(B) the acquisition of logistics support, supplies, and services by the United States from that Organization.

"(b) AUTHORITY OF SECRETARY.—Under the terms of a Weapon System Partnership Agreement, the Secretary of Defense—

"(1) may agree that the NATO Maintenance and Supply Organization may enter into contracts for supply and acquisition of logistics support in Europe for requirements of the United States, to the extent the Secretary determines that the procedures of such Organization governing such supply and acquisition are appropriate; and

"(2) may share the costs of set-up charges of facilities for use by the NATO Maintenance and Supply Organization to provide cooperative logistics support and in the costs of establishing a revolving fund for initial acquisition and replenishment of supply stocks to be used by the NATO Maintenance and Supply Organization to provide cooperative logistics support.

"(c) SHARING OF ADMINISTRATIVE EXPENSES.—Each Weapon System Partnership Agreement shall provide for joint management by the participating countries and for the equitable sharing of the administrative costs incident to the agreement.

"(d) APPLICATION OF CHAPTER 137.—Except as otherwise provided in this section, the provisions of chapter 137 of this title apply to a contract entered into by the Secretary of Defense for the acquisition of logistics support under a Weapon System Partnership Agreement.

"(e) APPLICATION OF ARMS EXPORT CONTROL ACT.—Any transfer of defense articles or defense services to a member country of the North Atlantic Treaty Organization or to the NATO Maintenance and Supply Organization for the purposes of a Weapon System Partnership Agreement shall be carried out in accordance with the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(f) SUPPLEMENTAL AUTHORITY.—The authority of the Secretary of Defense under this section is in addition to the authority of the Secretary under subchapter I and any other provision of law.".

(d) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1103 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 713).

10 USC 2407 note.

(2) Section 1102 and section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661, 800 Stat. 3961, 3965).

10 USC 2407 note; 22 USC 2767a.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) Sections 2342 through 2350 of title 10, United States Code, are amended by striking out "this chapter" each place it appears and inserting in lieu thereof "this subchapter".

(2) The items relating to chapter 138 in the table of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended to read as follows:

"138. Cooperative Agreements with NATO Allies and Other Countries............ 2341".

(3) The heading of section 2350b of such title (as redesignated by subsection (b)(1)) is amended to read as follows:

"§ 2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment".

(4) The heading of section 2350c of such title (as redesignated by subsection (b)(2)) is amended to read as follows:

"§ 2350c. Cooperative military airlift agreements: allied countries".

SEC. 932. EXTENSION AND CODIFICATION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

(a) Extension and Codification.—(1) Chapter 138 of title 10, United States Code (as amended by section 931), is further amended by adding at the end the following new section:

"§ 2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense

"(a) Authority Under AWACS Program.—The Secretary of Defense, in carrying out an AWACS memorandum of understanding, may do the following:

"(1) Waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

"(A) Auditing.
"(B) Quality assurance.
"(C) Codification.
"(D) Inspection.
"(E) Contract administration.
"(F) Acceptance testing.
"(G) Certification services.
"(H) Planning, programming, and management services.

"(2) Waive any surcharge for administrative services otherwise chargeable.

"(3) In connection with that Program, assume contingent liability for—

"(A) program losses resulting from the gross negligence of any contracting officer of the United States;

"(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

"(C) the United States share of the unfunded termination liability.

"(b) Contract Authority Limitation.—Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"(c) Definition.—In this section, the term 'AWACS memorandum of understanding' means—

"(1) the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978;

"(2) the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO on September 26, 1984; and

"(3) any other follow-on support agreement for the NATO E-3A Cooperative Programme.

"(d) Expiration.—The authority provided by this section expires on September 30, 1991.".

(b) CONFORMING REPEAL.—Section 103 of the Department of Defense Authorization Act, 1982 (Public Law 97-86), is repealed.

10 USC 2407 note.

SEC. 933. REVISION AND EXTENSION OF AUTHORITY FOR PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES FROM OTHER NATIONS

(a) RECODIFICATION OF SECTION.—Section 2401a of title 10, United States Code, is transferred to the end of subchapter II of chapter 138 of such title, as added by section 931 and amended by section 932, and is redesignated as section 2350f.

(b) AUTHORITY TO ENTER INTO BILATERAL AND MULTILATERAL ARRANGEMENTS.—Subsection (a) of such section is amended—

(1) by striking out "an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO)" and inserting in lieu thereof "a bilateral arrangement with any allied country or allied international organization or may enter into a multilateral arrangement with allied countries and allied international organizations";

(2) by striking out "such country or NATO" and inserting in lieu thereof "the allied country or countries or allied international organization or allied international organizations, as the case may be,"; and

(3) by adding at the end the following new sentence: "The term of an arrangement entered into under this subsection may not exceed five years.".

(c) LIQUIDATION OF CREDITS AND LIABILITIES.—Subsection (b) of such section is amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the second sentence as paragraph (3);

(3) by inserting after the first sentence the following new sentence: "Liquidations may be made at such times as the parties in an arrangement may agree upon, but in no case may final liquidation in the case of an arrangement be made later than 30 days after the end of the term for which the arrangement was entered into."; and

(4) by inserting after paragraph (1), as designated by clause (1) of this subsection, the following new paragraph:

"(2) Parties to an arrangement entered into under this section shall annually reconcile accrued credits and liabilities accruing under such agreement. Any liability of the United States resulting from a reconciliation shall be charged against the applicable appropriation available to the Department of Defense (at the time of the reconciliation) for obligation for communications support and related supplies and services.".

(d) DEFINITIONS.—Subsection (d) of such section is amended—

(1) by striking out "In this section, the term 'allied country' means—" and inserting in lieu thereof "In this section:

"(1) The term 'allied country' means—";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out "; or" at the end of clause (A), as redesignated by clause (2) of this subsection, and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of clause (B), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "; or"; and

(5) by adding at the end the following:

"(C) any other country designated as an allied country for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

"(2) The term 'allied international organization' means the North Atlantic Treaty Organization (NATO) or any other international organization designated as an allied international organization for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.".

(e) Clerical Amendment.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2401a.

SEC. 934. TWO-YEAR EXTENSION OF AUTHORITY TO PROVIDE EXCESS DEFENSE ARTICLES FOR THE MODERNIZATION OF DEFENSE CAPABILITIES OF COUNTRIES ON NATO SOUTHERN AND SOUTHEASTERN FLANKS

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended—

(1) by striking out "during the fiscal years 1987, 1988, and 1989" in the first sentence and inserting in lieu thereof "during the fiscal years 1987 through 1991"; and

(2) by adding at the end the following new sentence: "Transfers to recipient countries under this subsection shall be consistent with the policy framework for the Eastern Mediterranean region established in section 620C of this Act.".

22 USC 2347c note.

SEC. 935. AUTHORITY FOR EXCHANGE TRAINING THROUGH SPECIFIED PROFESSIONAL MILITARY EDUCATION INSTITUTION OUTSIDE THE UNITED STATES

Federal Republic of Germany.

(a) Authority.—The United States Army Russian Institute in Garmisch-Partenkirchen, Federal Republic of Germany, shall be treated for purposes of section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) as if it were located in the United States.

(b) Expiration of Authority.—Subsection (a) shall cease to be in effect upon the enactment in foreign assistance authorizing legislation of an amendment to section 544 of the Foreign Assistance Act of 1961 that provides the same authority as is provided by subsection (a).

SEC. 936. EXTENSION OF AUTHORITY TO PAY CERTAIN EXPENSES IN CONNECTION WITH BILATERAL AND REGIONAL COOPERATION PROGRAMS

(a) Extension of Authority to Meetings, Etc., in Canada and Mexico.—Subsection (b)(1) of section 1051 of title 10, United States Code, is amended by inserting "or in connection with travel to Canada or Mexico" before the period at the end.

(b) Three-Year Extension of Authority.—Subsection (g) of such section is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 937. EXTENSION OF H-1 IMMIGRATION STATUS FOR CERTAIN NONIMMIGRANTS EMPLOYED IN COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS AND COPRODUCTION PROJECTS

8 USC 1101 note.

The Attorney General shall provide for the extension through December 31, 1991, of nonimmigrant status under section

101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) for an alien to perform temporarily services relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense in the case of an alien who has had such status for a period of at least five years if such status has not expired as of the date of the enactment of this Act but would otherwise expire during 1989, 1990, or 1991, due only to the time limitations with respect to such status.

SEC. 938. METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES TO ALLIED COUNTRIES

(a) EXCHANGES TO BE FOR SUPPLIES OR SERVICES OF IDENTICAL VALUE.—Section 2344 of title 10, United States Code, is amended by striking out "identical or substantially identical nature" before the period at the end of subsection (a) and inserting in lieu thereof "equal value".

(b) LIMITATIONS ON EXCHANGES.—Such section is further amended by adding at the end the following new subsection:

"(c) In acquiring or transferring logistics support, supplies, or services under the authority of this chapter by exchange of supplies or services, the Secretary of Defense may not agree to or carry out the following:

"(1) Transfers in exchange for property the acquisition of which by the Department of Defense is prohibited by law.

"(2) Transfers of source, byproduct, or special nuclear materials or any other material, article, data, or thing of value the transfer of which is subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(3) Transfers of chemical munitions.".

(c) APPLICATION OF CHAPTER 138.—Section 2350d(e) of title 10, United States Code, as enacted by section 931(c), is amended by inserting "this chapter and" after "in accordance with".

TITLE X—MATTERS RELATING TO ARMS CONTROL

SEC. 1001. PRESIDENTIAL REPORT ON POSSIBLE EFFECTS OF A STRATEGIC ARMS REDUCTION AGREEMENT ON TRIDENT PROGRAM

(a) REPORT.—Not later than April 1, 1990, the President shall submit to Congress a comprehensive report on the Trident program under a possible Strategic Arms Reduction Talks (START) agreement. The report shall address the following issues:

(1) The objective for the size of the Trident submarine force fleet both with and without a START agreement.

(2) The implications for United States strategic force posture under a START agreement of a fleet of 21 or more Trident submarines, each with 192 warheads on 24 ballistic missiles, under two different assumptions, as follows:

(A) All such warheads are accountable under START limits.

(B) The warheads on one-to-three Trident submarines are not accountable under START limits.

(3) A net assessment of the implications for United States security of a START agreement that allows the Soviet Union as well as the United States to have an equivalent number of warheads on submarines that are not accountable under START limits.

(4) The technical feasibility and cost implications of various options for reducing the number of warheads on Trident submarines, including those submarines already built, those under construction, and those yet to be built.

(5) The verification challenges to the United States posed by such options if the Soviet Union were to adopt them in its ballistic missile submarine forces.

(b) Form of Report.—The President shall submit the report under subsection (a) in both classified and unclassified versions.

(c) Waiver.—The President may waive the requirements of subsection (a) if he has signed a START agreement or other strategic arms reduction agreement with the Soviet Union before the date by which the report is otherwise required to be submitted.

SEC. 1002. PRESIDENTIAL REPORT ON THE VERIFICATION WORK THAT HAS BEEN CONDUCTED WITH REGARD TO MOBILE ICBMs UNDER A START AGREEMENT

(a) Findings.—Congress makes the following findings:

(1) The United States must have confidence that any agreement achieved through the Strategic Arms Limitation Talks (START) in Geneva will be effectively verifiable.

(2) The position of the United States at the START negotiations, from 1985 until September 1989, was to ban the deployment of mobile intercontinental ballistic missiles (ICBMs) under a START regime unless an effective verification regime could be identified and implemented. In September 1989, the United States announced that it was withdrawing its proposal for the ban of mobile ICBMs, contingent upon Congress providing funds for mobile ICBMs to be deployed by the United States.

(3) The Soviet Union has deployed two mobile ICBM systems, the SS-24 and the SS-25.

(4) The President conducted a strategic review during the period between January 20, 1989, and the resumption of the START negotiations on June 15, 1989.

(b) Presidential Report.—Not later than March 31, 1990, the President shall submit to Congress a report (in classified and unclassified form) describing all studies that have been performed between March 1985 and August 1989 by agencies of the United States Government with regard to the capability of the United States to monitor and verify a START agreement which allows mobile ICBMs. The report shall include the following:

(1) A description of each study conducted by United States Government agencies during the strategic review referred to in subsection (a)(4) to determine the ability of the United States to verify limitations on mobile ICBMs of the Soviet Union under a START agreement, including a summary of the conclusions reached under each such study.

(2) A description of any so-called "Red Team" study conducted between March 1985 and August 1989 with regard to the existence of mobile ICBMs under a START regime, including a summary of the conclusions reached under each such study

(3) A description of each study conducted by United States Government agencies between March 1989 and August 1989 to assess the value of various options relating to the verification of mobile ICBMs (such options to include the option known as "tagging" and the establishment of designated deployment

areas), including a summary of the conclusions reached under each such study.

SEC. 1003. SENSE OF CONGRESS ON START TALKS

Congress hereby reaffirms the sense of Congress expressed in the second session of the 100th Congress (in section 902 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2031)) that any agreement negotiated by the President to achieve a reduction and limitation on strategic arms (through the Strategic Arms Reduction Talks in Geneva or otherwise)—

(1) should not prevent the United States from deploying a force structure under the agreement which emphasizes survivable strategic systems and, in particular, should not in any way compromise the security of the United States ballistic-missile carrying submarine force; and

(2) should not prohibit or limit the deployment of non-nuclear cruise missiles.

SEC. 1004. REPORT ON ASYMMETRIES IN CAPABILITIES OF UNITED STATES AND SOVIET UNION TO PRODUCE AND DEPLOY BALLISTIC MISSILE DEFENSE SYSTEMS

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the asymmetry in the near-term capabilities of the United States and the Soviet Union to deploy ballistic missile defenses beyond those permitted under the 1972 ABM Treaty. The study shall be conducted in coordination with the Director of Central Intelligence.

(b) MATTERS TO BE INCLUDED IN STUDY.—Subject to subsection (e), the study shall include the following:

(1) An assessment of the likelihood of a breakout by the Soviet Union from the 1972 ABM Treaty in the next five years and the assumptions used for that assessment.

(2) An assessment of the capability of the Soviet Union to exploit a situation in which the limitations of the 1972 ABM Treaty do not apply, including a detailed assessment of the capabilities of the Soviet Union to produce—

(A) space-based anti-ballistic missile (ABM) launchers and interceptors;

(B) ground-based ABM launchers and interceptors; and

(C) the infrastructure for ABM battle management command, control, and communications.

(3) An assessment of the production base of the United States for production of the elements specified in subparagraphs (A), (B), and (C) of paragraph (2), including an estimate of how quickly the United States could respond to a breakout by the Soviet Union in each of those elements.

(c) STUDY TO ASSESS POSSIBLE UNITED STATES RESPONSE TO SOVIET BREAKOUT.—(1) The study shall also include an assessment of the immediate and long-term actions that could be taken by the United States to respond to redress any asymmetry in the potential of the United States and the Soviet Union to exploit a breakout by the Soviet Union from the 1972 ABM Treaty.

(2) That assessment shall include an evaluation of the actions that would be necessary to support—

(A) a one-site ABM system (as allowed under the Treaty); or

(B) an expanded ABM system unconstrained by the limitations of the 1972 ABM Treaty.

North Dakota. (3) Such assessment shall specifically address the required actions, and the costs associated with those actions, to support both the one-site ABM system and the expanded ABM system to be evaluated under paragraph (2), including (A) the upgrading and expansion of the existing United States radar network, (B) the use of existing inactive ABM components at Grand Forks, North Dakota, and (C) the development and deployment of other required components.

(d) REPORT.—Not later than the date on which the budget for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the study under subsection (a). The report shall be submitted in both classified and unclassified form. The report shall specify the results of the study under subsection (a), including each matter required to be included in the study under this section.

(e) WAIVER OF REQUIRED STUDY FEATURE.—The study under subsection (a) need not include the assessment referred to in subsection (b)(1) if, before the date of the submission of the report required by subsection (d) with respect to the study, the President submits to Congress the report required by section 907 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2034), regarding antiballistic missile capabilities and activities of the Soviet Union (such report having been required by subsection (c) of such section to be submitted not later than January 1, 1989).

(f) 1972 ABM TREATY DEFINED.—For purposes of this section, the term "1972 ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

SEC. 1005. SENSE OF THE CONGRESS WITH RESPECT TO ACCIDENTAL LAUNCH PROTECTION

(a) FINDINGS.—Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has made substantial progress in developing technologies to defend the United States from a possible ballistic missile attack, be it deliberate or accidental.

(2) Ground-based elements and their associated adjuncts and technologies represent the most mature technologies within the SDI program and should therefore receive priority by the Strategic Defense Initiative Organization.

(3) The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty.

(4) There have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition and the inadvertent landing in China of a test missile of the Soviet Union.

(5) The continued proliferation of offensive ballistic missile forces by non-superpower countries hostile to the United States and our allies raises the possibility of future nuclear threats.

(b) REAFFIRMATION OF SENSE OF CONGRESS.—Congress hereby reaffirms the sense of Congress expressed in section 224(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1942) stating—

(1) that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to development of technologies and systems for a system capable of protecting

the United States from the accidental launch of a strategic ballistic missile against the continental United States; and

(2) that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty.

(c) SUBMISSION OF PREVIOUSLY REQUIRED REPORT.—The Secretary of Defense shall submit to Congress forthwith the report on the status of planning for development of a deployment option for such an accidental launch protection system that was required by section 224(c) of that Act to be submitted not later than March 1, 1989.

SEC. 1006. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING THE KRASNOYARSK RADAR

(a) REAFFIRMATION OF PRIOR FINDINGS.—Congress hereby reaffirms the findings made with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" in paragraphs (1) through (6) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135), as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(b) FURTHER FINDINGS.—In addition to the findings referred to in subsection (a), Congress finds with respect to the Krasnoyarsk radar that—

(1) in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty;

(2) until the meeting between the Secretary of State and the Foreign Minister of the Soviet Union at Jackson Hole, Wyoming, in September 1989, the Soviet Union had rejected demands by the United States that it dismantle that radar without conditions, but the joint statment issued following that meeting states that the government of the Soviet Union "had decided to completely dismantle the Krasnoyarsk radar station"; and

(3) on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty.

(c) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Soviet Union should dismantle the Krasnoyarsk radar (as announced in the joint statement referred to in subsection (b)(2)) expeditiously and without conditions; and

(2) that until such radar is completely dismantled it will remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

SEC. 1007. SENSE OF CONGRESS CONCERNING EXPLORING THE FEASIBILITY OF TREATY LIMITATIONS ON WEAPONS CAPABLE OF THREATENING MILITARY SATELLITES

It is the sense of Congress that, as soon as practicable, the President should explore the feasibility of a mutual and verifiable treaty with the Soviet Union which places the strictest possible limitations, consistent with the security interests of the United States and its allies, on the development, testing, production, and deployment of weapons capable of directly threatening United States military satellites.

President of U.S.
Union of Soviet Socialist Republics.

SEC. 1008. REPORT ON SATELLITE SURVIVABILITY

(a) REQUIREMENT FOR REPORT.—The President shall submit to Congress a comprehensive report on United States antisatellite weapon activities and the survivability of United States satellites against current and potential antisatellite weapons deployed by the Soviet Union. The report shall be submitted by March 15, 1990, and shall be submitted in both classified and unclassified versions.

(b) MATTERS TO BE INCLUDED IN REPORT.—The report required by subsection (a) shall include the following:

(1) Detailed information (including funding profiles, expected capabilities, and schedules for development, testing, and deployment) on all United States antisatellite weapon programs.

(2) An analysis of the antisatellite potential of the anticipated deployed version of each Strategic Defense Initiative technology capable of damaging or destroying objects in space.

(3) An assessment of the threat that would be posed to satellites of the United States if the technologies described in paragraphs (1) and (2) were to be tested by the Soviet Union, at levels of performance equal to those intended by the United States, and developed into weapons for damaging or destroying objects in space.

(4) A review of arms control options and satellite survivability measures (including cost data) that would improve the survivability of current and future United States military satellite systems.

(5) A review of alternative means of providing the support to military forces of the United States that is currently provided by United States satellites if those satellites become vulnerable to attack as the result of the deployment by the Soviet Union of antisatellite weapons with the levels of performance contemplated in paragraph (3).

President of U.S.

SEC. 1009. REPORT ON THE DESIRABILITY OF NEGOTIATIONS WITH THE SOVIET UNION REGARDING LIMITATIONS ON ANTISATELLITE CAPABILITIES

(a) Report by the President.—The President shall submit to Congress a comprehensive report regarding the desirability of an agreement with the Soviet Union to impose limitations on antisatellite capabilities. The President shall include in such report his determination of whether a ban or other limitations on some or all antisatellite weapons would be verifiable and, if so, whether such a ban or other limitation would be in the national interest of the United States.

(b) Matters Relating to Verification.—In making the determination referred to in subsection (a), the President shall—

(1) consider the extent to which on-site inspection measures (as well as national technical means for verification) can increase confidence in the ability of the United States to monitor and verify various agreed-upon antisatellite limitations; and

(2) examine various arms control possibilities, including—

(A) a total ban on antisatellite capability by both the United States and the Soviet Union;

(B) a ban or other limitation on antisatellite weapons with the potential to attack satellites at altitudes above the Van Allen belt; and

(C) a ban or other limitation on antisatellite weapons that operate only in low-Earth orbit.

(c) Matters Relating to Deterrence and War Fighting Requirements.—In the report required by subsection (a), the President shall also address the following:

(1) The contribution an antisatellite capability of the United States can make toward enhancing deterrence.

(2) The contribution an antisatellite capability can make toward meeting the war fighting requirements of the United States and how such a capability enhances force survivability.

(3) The extent to which (based upon a net assessment) the United States would be better able to meet its war fighting requirements and deterrence objectives if—

(A) the Soviet Union possessed an antisatellite capability and the United States did not possess an antisatellite capability;

(B) neither the United States nor the Soviet Union possessed an antisatellite capability;

(C) the United States and the Soviet Union both possessed a limited antisatellite capability;

(D) the United States and the Soviet Union both possessed an unrestricted antisatellite capability.

(d) Submission of Report.—The report required by subsection (a) shall be submitted to Congress not later than May 1, 1990, and shall be submitted in both classified and unclassified versions.

SEC. 1010. REPORT ON VERIFICATION OF COMPLIANCE WITH AGREEMENTS TO LIMIT NUCLEAR TESTING

(a) Report Requirement.—The Secretary of Energy shall prepare a report, in classified form, assessing the possible effects on the abilities of the United States to verify compliance by the Soviet Union with any agreement (presently in effect or under negotiation) to limit testing of nuclear devices should any information or data now obtained under any cooperative agreement with any controlled country and used to verify the degree of such compliance be curtailed or become unavailable due to a change in, or severing of, diplomatic relations with such a controlled country. The report shall assess, in particular, whether compliance by the Soviet Union with any such agreement to limit testing of nuclear devices can be fully and reliably verified should such a cooperative agreement be curtailed or terminated. The report shall be prepared in consultation with the Secretary of Defense.

(b) SUBMISSION OF REPORT.—The report prepared under subsection (a) shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(c) CONTROLLED COUNTRY DEFINITION.—For purposes of this section, the term "controlled country" means a country listed in section 620(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)).

SEC. 1011. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MODERNIZATION POLICY

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is currently engaged in a wide range of arms control negotiations in the areas of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the North Atlantic Treaty Organization issued a "Comprehensive Concept on Arms Control and Disarmament" which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) The President has stated that arms control is one of the highest priorities of the United States in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(5) The President, on September 25, 1989, made a major new arms control proposal in the area of chemical weapons.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President is to be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

(2) Congress fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to United States arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry;

(3) the President should seek arms control agreements that would not limit the United States to levels of forces inferior to the limits provided for the Soviet Union; and

(4) the President's efforts to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(c) REAFFIRMATION OF PROHIBITION RELATING TO ENTERING INTO CERTAIN ARMS CONTROL AGREEMENTS.—Congress hereby reaffirms the proviso in the first sentence of section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) that no action may be taken under that Act or any other Act that will obligate the United States to disarm or to reduce or limit the Armed Forces or armaments of the United States, except pursuant to the treatymaking power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress.

SEC. 1012. REPORT ON EFFECT OF SPACE NUCLEAR REACTORS ON GAMMA-RAY ASTRONOMY MISSIONS

President of U.S.

Not later than April 30, 1990, the President shall submit to Congress a report on the potential for interference with gamma-ray astronomy missions that could be caused by the placement in Earth orbit of space nuclear reactors.

SEC. 1013. SENSE OF CONGRESS ON CHEMICAL WEAPONS NEGOTIATIONS

(a) FINDINGS.—Congress makes the following findings:

(1) The proliferation of chemical weapons and the repeated use of chemical weapons represent a grave threat to the security and interests of the United States.

(2) The most comprehensive and effective response to the threat posed by the proliferation of chemical weapons is the completion of an effectively verifiable treaty banning the production and stockpiling of all chemical weapons.

(3) The successful completion of a treaty banning all chemical weapons through the negotiations at the multinational United Nations Conference on Disarmament in Geneva should be one of the highest arms control priorities of the United States.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the President should continue ongoing efforts to establish an agreement with the Soviet Union and other countries establishing a mutual and effectively verifiable agreement to stop the production, proliferation, and stockpiling of all lethal chemical weapons; and

(2) the United States negotiators in Geneva should take concrete steps to initiate proposals regarding the composition of the verification regime for such an agreeement that will meet the legitimate concerns of other parties while addressing the security concerns of the United States.

SEC. 1014. UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

22 USC 2595 note.

(a) FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.—Congress makes the following findings:

(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are currently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

(b) STATUS OF THE OSIA.—(1) Congress finds that—

(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transportation for inspections in the Soviet Union and Eastern Europe); and

(E) the facilities in Europe and the United States at which OSIA personnel escort personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or under the jurisdiction of entities that are contractors with the Department of Defense).

(2) In light of the findings in paragraph (1) and the report submitted pursuant to section 909 of Public Law 100–456 entitled "Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty" (submitted on July 27, 1989), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of administrative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing organizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

(c) ESTABLISHMENT OF PERSONNEL DATABASE.—(1) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

(2) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

(d) INF TREATY DEFINED.—For purposes of this section, the term "INF Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, DC, on December 8, 1987.

TITLE XI—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

PART A—FORCE STRUCTURE

SEC. 1101. STUDY OF TOTAL FORCE POLICY, FORCE MIX, AND MILITARY FORCE STRUCTURE

(a) FINDINGS.—Congress makes the following findings:

(1) Since the inception of the Total Force Policy in the Department of Defense in 1973, there has never been a comprehensive, authoritative study done by the Department on the operation and effectiveness of that policy.

(2) Decisions within the Department of Defense with respect to military force mix appear to be made in a fragmented and decentralized manner.

(3) A comprehensive study of the Total Force Policy, force mix, and military force structure is long overdue.

(b) STUDY.—(1) The Secretary of Defense shall convene a study group to review the operation, effectiveness, and soundness of the following policies and practices of the Department of Defense and to make recommendations to the Secretary for improvement of those policies and practices:

(A) The Total Force Policy.

(B) Assignment of missions within and between the active and reserve components of the armed forces.

(C) Force structure of the active and reserve components of the armed forces.

(2) The study group shall include—

(A) senior-level active-duty officers from each branch of the armed forces;

(B) senior-level reserve-component officers from each of the seven reserve components;

(C) civilian officials of the Department of Defense; and

(D) such participants from outside the Department of Defense as the Secretary considers appropriate.

(3) The Chairman of the Joint Chiefs of Staff shall provide such joint staff support to the study group as necessary. He shall participate in the activities of the study group in accordance with the provisions of section 153 of title 10, United States Code, including the responsibility to assess the conformance of manpower programs and policies with strategic plans and to advise the study group about the extent to which program recommendations and budget proposals conform with the priorities established in strategic plans and for the combatant commands.

(4) The Secretary shall ensure that the study group, in carrying out its duties and responsibilities, has access to federally funded research centers (FFRCs) and other necessary support.

(5) The Secretary of Defense shall consult with the Secretary of Transportation with respect to the functions of the study group insofar as they relate to the Selected Reserve of the Coast Guard Reserve.

Classified information.

(6) Meetings of the study group may be closed to the public in connection with the consideration of classified material.

(c) MATTERS TO BE CONSIDERED.—(1) In carrying out the study required by subsection (a), the study group shall evaluate and make recommendations to the Secretary concerning each of the following matters (with each such matter to be evaluated separately insofar as it relates to each policy or practice set forth in subparagraphs (A) through (C) of subsection (b)(1)):

(1) With respect to the Total Force Policy of the Department of Defense, the basic tenets of that policy, how well that policy has been implemented, and what changes (if any) are desirable to improve upon that policy and its implementation.

(2) The effectiveness of the existing chain of management and command responsibility in evaluating and integrating force requirements among the armed forces, and between the active components and the reserve components.

(3) The extent to which officials responsible for such evaluation and integration of force requirements currently (and should in the future) participate in the budget and resource allocation processes of the Department of Defense.

(4) The adequacy of the methodology used by the Department of Defense in the assignment of missions between the active and reserve components and, within each active and reserve component, the assignment of missions among various major types of units, including—

(A) the extent to which that methodology includes the use of cost-benefit analyses; and

(B) the methodology for the manner by which force reductions are distributed within individual units and between active and reserve components.

(5) The scope and size of force reductions with respect to major units (such as air wings, carrier groups, and divisions) that would result in an irreversible change of the capability of those units to perform assigned missions, with emphasis on considerations such as mobilization, loss of skilled manpower, equipment, and training.

(d) ADDITIONAL MATTERS TO BE CONSIDERED.—(1) In carrying out its study and making its recommendations, the study group shall also evaluate the process by which decisions within the Department of Defense respecting force mix and force structure are made with regard to the readiness, sustainability, and overall mission capability of the active and reserve forces. The study group shall also consider whether the Department of Defense has a cogent strategy for making such decisions with respect to force mix that anticipates a substantially smaller military force structure in the future and whether the Department has developed a system for regular and systematic top-level evaluation of decisions respecting force mix or reductions in force structure.

(2) In carrying out the evaluation required by paragraph (1), the study group shall consider (among other matters it considers appropriate) the following:

(A) The optimal structure of military forces required to meet the threat as described in net assessments prepared pursuant to section 153 of title 10, United States Code, taking into account currently available and projected budget resources.

(B) The appropriateness of the missions that have been assigned to major units (such as air wings, carrier groups, and divisions) in each of the active and reserve components in view of the status of those units with respect to personnel and equipment resources and training systems.

(C) The response times for the deployment of such units in the event of a mobilization.

(D) An evaluation of the readiness and sustainability of each of the active and reserve components and of the contributions of each such component to the overall military capability of the United States.

(E) The extent to which the active and reserve component units that are identified for use during the first 30 days of a mobilization are prepared to undertake wartime missions (as measured against the standards established by the Chairman of the Joint Chiefs of Staff in accordance with section 153 of title 10, United States Code), the reasons for any lack of preparedness for such missions, and recommendations for measures that would be necessary for those units to become fully mission capable.

(F) The adequacy of equipment distribution and modernization in the active and reserve components, including consideration of the importance of prepositioning of light and heavy equipment in the mobilization process.

(G) The adequacy of the current base of military personnel and equipment available for short notice rotation and deployment in order to meet worldwide defense commitments.

(H) The capability of each component of the active and reserve forces to meet assigned and projected missions at each step in the mobilization process and the adequacy of current airlift and sealift capability.

(I) The resources (including funds) needed for sufficient personnel, equipment, and training to achieve desired force structure and mission capability in both the active and reserve components.

(J) The capability of the active and reserve components, jointly and separately, to respond to mobilization requirements at each stage of the mobilization process.

(d) REPORTS.—(1) The study group shall submit to the Secretary of Defense an interim report on its findings and recommendations at such time as the Secretary may require, but not later than September 1, 1990. The Secretary shall submit the interim report to the Committees on Armed Services of the Senate and the House of Representatives not later than September 15, 1990.

(2) The study group shall submit its final report, including its findings and recommendations, to the Secretary not later than December 1, 1990. The Secretary shall submit the final report of the study group, together with any comment and recommendation of the Secretary, to those committees not later than December 31, 1990.

(e) LIMITATION ON OBLIGATION OF CERTAIN FUNDS IF REPORTS SUBMITTED LATE.—If either of the reports required by subsection (d) is not submitted to those committees by the date specified in that subsection for the report to be submitted, the Secretary of Defense may not, on or after that date, obligate any funds for a new contract for advisory, consultant, or assistance services until the report is submitted.

SEC. 1102. STUDIES OF CLOSE SUPPORT FOR LAND FORCES

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of close support, including close air support.

(b) CONTRACTOR STUDY.—In conducting the study required by subsection (a), the Secretary shall provide for a study to be conducted by the Institute for Defense Analysis, a Federal contract research center. The Institute shall submit a report to the Secretary on such study at such time before March 1, 1990, as the Secretary may require.

Reports.

(c) JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of close support, including close air support. The Chairman shall submit a report to the Secretary of Defense on such study at such time before March 1, 1990, as the Secretary may require.

Reports.

(d) STUDIES TO BE INDEPENDENT.—Each study under subsections (a), (b), and (c) shall be conducted independently of the others.

(e) MATTERS TO BE INCLUDED.—The studies conducted under subsections (a), (b), and (c) shall include consideration of each of the following:

(1) The nature of the present, and anticipated future, battlefield across a representative set of conflict levels.

(2) The requirements of the land force for close support across this representative set of conflict levels in terms of targets and time, including the lessons of recent combat experience.

(3) With regard to the battlefields and close support requirements identified pursuant to paragraphs (1) and (2), the current and anticipated ground and air systems capable of meeting these requirements.

(4) With regard to these major systems, their significant characteristics in terms of effectiveness, integration with allies, command and control, survivability, and life-cycle cost.

(5) The implications (in terms of roles and missions) of the selection of, or failure to select, each of these major systems as part of an appropriate force structure.

(f) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the studies conducted under this section. The report shall include—

(1) the findings, conclusions, and recommendations of the Secretary in the study conducted by the Secretary under subsection (a) with respect to each of the matters set forth in subsection (e);

(2) copies of the reports to the Secretary under subsections (b) and (c), including the findings, conclusions, and recommendations contained in those reports; and

(3) such comments on those reports as the Secretary considers appropriate.

(g) TIME FOR SUBMISSION.—The report required under subsection (f) shall be submitted not later than March 1, 1990.

(h) CLOSE AIR SUPPORT DEFINED.—For purposes of this section, the term "close air support", as defined in Joint Chiefs of Staff Publication 1, dated June 1, 1987, means air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces.

SEC. 1103. STRATEGIC AIR DEFENSE ALERT MISSION

(a) READINESS OF AIR NATIONAL GUARD UNITS.—The Secretary of Defense shall ensure that those units of the Air National Guard that are assigned to carry out the strategic air defense mission in the northern portion of the United States retain the capability to generate and maintain a readiness posture that meets the needs of all operations plans of the North American Aerospace Defense Command (NORAD).

(b) FISCAL YEAR 1990 LIMITATION.—During fiscal year 1990, the Secretary of Defense may not reduce the man years or flying hours of the units described in subsection (a).

(c) REPORT.—Not later than March 1, 1990, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the strategic air defense alert mission. The report shall describe the following:

(1) The rationale and goals for the strategic air defense modernization program undertaken jointly by the United States and Canada.

(2) The operational requirements of NORAD in crisis and wartime for generating and forward deploying air defense forces of the Air National Guard based in the northern portion of the United States.

(3) The plans of the Air Force for maintaining the readiness of aircraft, flight crews, maintenance personnel, control tower personnel, and security forces of the air defense units described in subsection (a) to implement NORAD operations plans.

(4) The plans of the Air Force for transitioning from current interceptor aircraft and current peacetime unit alert mission and training practices to new aircraft and new unit alert mis-

sion and training practices, including the effect of such transition on unit manning levels and combat mission readiness.

(5) The current ability of the forward operating bases in Canada to accommodate forward deployment of air defense units on a sustained basis and plans of the Air Force for the improvement of such bases.

(6) The current and planned radars, intercept systems, communications systems, and command elements (together with deployment schedules for those which are planned) that are intended to detect, identify, track, and intercept intruders into northern Canadian airspace during peacetime, during periods of heightened tension, and during hostilities.

(d) REPEAL.—Section 713 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1998), is repealed.

SEC. 1104. SENSE OF CONGRESS CONCERNING REASSIGNMENT OF UNITS FROM FORT KNOX, KENTUCKY, TO FORT IRWIN, CALIFORNIA

It is the sense of Congress that any combat unit of battalion or squadron size (or larger size) that on the date of the enactment of this Act is stationed at Fort Knox, Kentucky, shall not be permanently reassigned to Fort Irwin, California.

PART B—GENERAL MANAGEMENT MATTERS

SEC. 1111. ADDITIONAL FUNDING FOR UNIFIED AND SPECIFIED COMBATANT COMMANDS FOR FISCAL YEAR 1990

Of the funds authorized to be appropriated pursuant to section 301 for the Defense Agencies for fiscal year 1990, $25,000,000 shall be available for the establishment of a fund under the management of the Chairman of the Joint Chiefs of Staff for use in response to the request of a commander of a unified or specified combatant command for additional funding of the following activities:

(1) Joint exercises (including foreign country participation).

(2) Force training.

(3) Contingencies.

(4) Selected operations.

(5) Command and control.

(6) Military education and training to military and related civilian personnel of foreign countries.

(7) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

SEC. 1112. CORRECTION OF PAY GRADE FOR NEW ASSISTANT SECRETARY OF THE AIR FORCE

Section 5315 of title 5, United States Code, is amended by striking out "(3)" after "Assistant Secretaries of the Air Force" and inserting in lieu thereof "(4)".

SEC. 1113. CLARIFICATION OF REQUIREMENT FOR COMPLETION OF FULL TOUR OF DUTY AS QUALIFICATION FOR SELECTION AS A JOINT SPECIALTY OFFICER

Section 661(c) of title 10, United States Code, is amended by striking out "(as described in section 664 (f)(1) or (f)(3) of this title)" in paragraphs (1)(B) and (3)(A) and inserting in lieu thereof "(as described in section 664(f) of this title (other than in paragraph (2) thereof))".

PART C—PROFESSIONAL MILITARY EDUCATION

SEC. 1121. REPORTS RELATING TO COURSES OF INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS AND PROFESSIONAL MILITARY EDUCATION REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADE

(a) SERVICE SECRETARIES REPORTS.—(1) The Secretary of each military department shall submit to the Secretary of Defense a report—

(A) evaluating the principal courses of instruction at each intermediate or senior professional military education school operated by that department in light of the mission of that school; and

(B) recommending the appropriate duration for those courses and the level and courses of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The reports required by paragraph (1) shall be prepared independently of the report required by subsection (b) and independently of each other.

(3) The reports required by paragraph (1) shall be submitted at such time as may be required by the Secretary of Defense.

(b) SECRETARY OF DEFENSE REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing copies of the reports submitted to the Secretary under subsection (a), together with such comments on each report as the Secretary considers appropriate;

(B) evaluating the principal courses of instruction at each intermediate or senior professional military education school in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and types of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The report required by paragraph (1) shall be submitted not later than April 2, 1990.

(c) OTHER MATTERS TO BE INCLUDED IN REPORTS.—The reports required by subsection (a) and subsection (b) shall include a discussion of the following:

(1) The implications of establishing by law a minimum length of 10 months duration for the principal courses of instruction at each intermediate or senior professional military education school.

(2) The implications of requiring by law, beginning January 1, 1999, that a prerequisite for selection of an officer for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be graduation from an intermediate professional military education school and a senior professional military education school.

(3) The practicability of providing that—

(A) the promotion eligibility of an officer may not be adversely affected by the attendance of the officer at a professional military education course of 10 months or more at an intermediate or senior professional military education school; and

(B) an officer who attends a professional military education course of 10 months or more at an intermediate or senior professional military education school shall be entitled to an additional year of service for each such course to prevent prejudice when considering the officer for discharge or retirement pursuant to subchapter III of chapter 36 of title 10, United States Code—

(i) for failure of selection for promotion; or

(ii) for years of service.

(d) INTERMEDIATE OR SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOL DEFINED.—For purposes of this section, the term "intermediate or senior professional military education school" means any of the following:

(1) The Army War College.

(2) The College of Naval Warfare.

(3) The Air War College.

(4) The United States Army Command and General Staff College.

(5) The College of Naval Command and Staff.

(6) The Air Command and Staff College.

(7) The Marine Corps Command and Staff College.

SEC. 1122. CLARIFICATION REGARDING SCHOOLS THAT ARE JOINT PROFESSIONAL MILITARY EDUCATION SCHOOLS FOR PURPOSES OF QUALIFICATION OF OFFICERS FOR JOINT SPECIALTY

Section 661(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) For purposes of this chapter, a school that is organized within, and operated by, a military department may not be construed to be a joint professional military education school.".

SEC. 1123. PROFESSIONAL MILITARY EDUCATION IN JOINT MATTERS

(a) EXISTING EFFORTS TO IMPROVE PROFESSIONAL MILITARY EDUCATION.—(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 992) mandated—

(A) the strengthening of the focus on joint matters in courses of instruction offered by professional military education schools operated by the military departments; and

(B) the maintenance of rigorous standards at joint professional military education schools for the education of joint specialty officers.

(2) Congress applauds the actions taken since 1986 by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, consistent with such mandate, to improve professional military education provided by intermediate and senior professional military education schools.

(b) STATEMENT OF CONGRESSIONAL POLICY.—As part of the efforts of the Secretary of Defense to improve professional military education, Congress urges, as a matter of policy, and fully expects the Secretary to establish the following:

(1) A coherent and comprehensive framework for the education of officers, including officers nominated for the joint specialty.

(2) A two-phase approach to strengthening the focus on joint matters, as follows:

(A) Phase I instruction consisting of a joint curriculum, in addition to the principal curriculum taught to all officers at service-operated professional military education schools.

(B) Phase II instruction consisting of a follow-on, solely joint curriculum taught at the Armed Forces Staff College to officers who are expected to be selected for the joint specialty. The curriculum should emphasize multiple "hands on" exercises and must adequately prepare students to perform effectively from the outset in what will probably be their first exposure to a totally new environment, an assignment to a joint, multiservice organization. Phase II instruction should be structured so that students progress from a basic knowledge of joint matters learned in Phase I to the level of expertise necessary for successful performance in the joint arena.

(3) A sequenced approach to joint education in which the norm would require an officer to complete Phase I instruction before proceeding to Phase II instruction. An exception to the normal sequence should be granted by the Chairman of the Joint Chiefs of Staff only on a case-by-case basis for compelling cause. Officers selected to receive such an exception should be required to demonstrate a basic knowledge of joint matters and other aspects of the Phase I curriculum that qualifies them to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Armed Forces Staff College who have not completed Phase I instruction should comprise only a small portion of the total number of officers selected.

(c) DURATION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.—(1) Section 663 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) DURATION OF PRINCIPAL COURSE OF INSTRUCTION AT ARMED FORCES STAFF COLLEGE.—The duration of the principal course of instruction offered at the Armed Forces Staff College may not be less than three months.".

(2) Subsection (e) of such section, as added by paragraph (1), shall be implemented by the Secretary of Defense not later than two years after the date of the enactment of this Act.

(d) INFORMATION REGARDING STUDENTS ATTENDING THE ARMED FORCES STAFF COLLEGE.—Section 667 of such title is amended—

(1) by redesignating paragraph (17) as paragraph (18); and

(2) by inserting after paragraph (16) the following new paragraph:

"(17) With regard to each time the principal course of instruction at the Armed Forces Staff College is offered—

"(A) the number of officers selected to attend that course who did not first complete while in residence at a professional military education school operated by a military department the principal course of instruction offered at that school;

"(B) the number of those officers as a percentage of all officers who attended that course of instruction at the Armed Forces Staff College;

"(C) a description of the different reasons why officers were selected to attend that course without first attending the principal course of instruction offered at a professional military education school operated by a military department; and

"(D) the number of officers so selected for each such reason.".

(e) JOINT MATTERS DEFINED.—For purposes of this section, the term "joint matters" has the meaning given to that term in section 668(a) of title 10, United States Code.

SEC. 1124. EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AT PROFESSIONAL MILITARY EDUCATION SCHOOLS

(a) NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 81 of title 10, United States Code, is amended by adding after section 1594 (as added by section 664(b)) the following new section:

"§ 1595. National Defense University: civilian faculty members

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the National Defense University as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—This section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after the end of the 90-day period beginning on the date of the enactment of this section.

"(d) NATIONAL DEFENSE UNIVERSITY DEFINED.—In this section, the term 'National Defense University' includes the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1594 (as added by section 664(b)) the following new item:

"1595. National Defense University: civilian faculty members.".

(b) ARMY WAR COLLEGE AND UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—(1) Chapter 373 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

"(a) AUTHORITY OF SECRETARY.—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on the date of the enactment of this section.

"(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction offered at the college involved is less than 10 months.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 4024 the following new item:

"4021. Army War College and United States Army Command and General Staff College: civilian faculty members.".

(c) NAVAL WAR COLLEGE AND MARINE CORPS COMMAND AND STAFF COLLEGE.—(1) Section 7478 of title 10, United States Code, is amended to read as follows:

"§ 7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members

"(a) AUTHORITY OF SECRETARY.—The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at a school of the Naval War College or at the Marine Corps Command and Staff College as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Naval War College or at the Marine Corps Command and Staff College if the duration of the principal course of instruction offered at the school or college involved is less than 10 months.".

(2) The item relating to such section in the table of sections at the beginning of chapter 643 of such title is amended to read as follows:

"7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members.".

(d) AIR UNIVERSITY.—(1) Chapter 873 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§ 9021. Air University: civilian faculty members

"(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University after the end of the 90-day period beginning on the date of the enactment of this section.

"(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University if the duration of the principal course of instruction offered at that school is less than 10 months.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 9025 the following new item:

"9021. Air University: civilian faculty members.".

(e) CONFORMING AMENDMENTS.—Section 5102(c)(10) of title 5, United States Code, is amended—

(1) by inserting after "(10)" the following: "civilian professors, instructors, and lecturers at a professional military education school whose pay is fixed under section 1595, 4021, 7478, or 9021 of title 10;";

(2) by striking out "the Naval War College and"; and

(3) by striking out "sections 6952 and 7478" and inserting in lieu thereof "section 6952".

PART D—CONTRACTING OUT

SEC. 1131. ONE-YEAR EXTENSION OF AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Military installations: authority of base commanders over contracting for commercial activities

"(a) AUTHORITY OF BASE COMMANDER.—The Secretary of Defense shall direct that the commander of each military installation shall have the authority and the responsibility to enter into contracts in accordance with this section for the performance of a commercial activity on the military installation.

"(b) YEARLY DUTIES OF BASE COMMANDER.—To enter into a contract under subsection (a) for a fiscal year, the commander of a military installation shall—

"(1) prepare an inventory for that fiscal year of commercial activities carried out by Government personnel on the military installation;

"(2) decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); and

"(3) conduct a solicitation for contracts for the performance of those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

Regulations.

"(c) LIMITATIONS.—(1) The Secretary of Defense shall prescribe regulations under which the commander of each military installation may exercise the authority and responsibility provided under subsection (a).

"(2) The authority and responsibility provided under subsection (a) are subject to the authority, direction, and control of the Secretary.

"(d) ASSISTANCE TO DISPLACED EMPLOYEES.—If the commander of a military installation enters into a contract under subsection (a), the commander shall, to the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of that contract.

"(e) MILITARY INSTALLATION DEFINED.—In this section, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within the United States, the Commonwealth of Puerto Rico, or Guam.

"(f) TERMINATION OF AUTHORITY.—The authority provided to commanders of military installations by subsection (a) shall terminate on September 30, 1990.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2468. Military installations: authority of base commanders over contracting for commercial activities.".

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code (as added by subsection (a)), shall take effect as of October 1, 1989.

SEC. 1132. EXCEPTION FROM COST COMPARISON PROCEDURES FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS

Section 2461 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) WAIVER FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—Subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that—

"(1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act; or

"(2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.".

SEC. 1133. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON

Indiana.

(a) STUDY REQUIRED.—Commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until the Secretary of the Army completes a new commercial activities study for the military installation.

(b) CONTENT OF STUDY.—The commercial activities study referred to in subsection (a) shall include—

(1) work-load data through fiscal year 1989; and

(2) sufficient data regarding the commercial activities examined for possible conversion to performance by private contractor to permit the use of fixed-price contracts for those commercial activities selected for conversion.

SEC. 1134. EVALUATION AND REPORT ON COMMERCIAL ACTIVITIES STUDY AT THE NIAGARA FALLS AIR FORCE RESERVE BASE

(a) EVALUATION AND REPORT REQUIRED.—Commercial activities carried out by Government personnel at the Niagara Falls Air Force Reserve Base, New York, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until completion of the following:

(1) The Comptroller General of the United States—

(A) evaluates the accuracy of the most recently completed commercial activities study for the Niagara Falls Air Force Reserve Base, including an analysis of comparable situations at other military installations in the United States; and

(B) submits to the Secretary of the Air Force a report describing the results of such evaluation.

(2) The Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) a copy of the report submitted by the Comptroller General;

(B) such comments on the report as the Secretary considers appropriate; and

(C) a determination by the Secretary regarding the desirability of converting commercial activities at the Niagara Falls Air Force Reserve Base to performance by private contractor.

(b) DEADLINE FOR SUBMISSION OF REPORT.—The report required by subsection (a)(2) shall be submitted not later than 60 days after the date of the enactment of this Act.

TITLE XII—MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

SEC. 1201. FUNDING FOR MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(a) IN GENERAL.—(1) Of the amounts appropriated pursuant to this Act for the Department of Defense for fiscal year 1990, not more than $450,000,000 shall be available from the sources and in the amounts specified in paragraph (2) for carrying out the drug interdiction and counter-drug activities provided for in this title.

(2) The amounts and sources referred to in paragraph (1) are as follows:

(A) $182,000,000 of the amounts appropriated pursuant to title I for fiscal year 1990.

(B) $28,000,000 of the amounts appropriated pursuant to title II for fiscal year 1990.

(C) $235,000,000 of the amounts appropriated pursuant to title III for fiscal year 1990.

(D) $5,000,000 of the amounts appropriated pursuant to division B for land acquisition and construction.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amount made available under subsection (a), $284,000,000 shall be available to carry out the mission of the Department of Defense relating to drug interdiction and counter-drug activities (other than purposes specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amount made available under subsection (a), $70,000,000 shall be available to provide funds under section 1207 for the purpose of drug interdiction by, and counter-drug activities of, the National Guard.

(d) INTEGRATION OF C3I ASSETS.—Of the amount made available under subsection (a), $27,000,000 shall be available to carry out the activities of the Department of Defense under section 1204.

(e) RESEARCH AND DEVELOPMENT.—Of the amount made available under subsection (a), $28,000,000 shall be available to carry out research and development activities referred to in section 1205.

(f) CIVIL AIR PATROL.—Of the amount made available under subsection (a), $1,000,000 shall be available to support Civil Air Patrol activities under section 1209.

(g) OTHER ASSISTANCE.—Of the amount made available under subsection (a), $40,000,000 shall be available to carry out the authority of the Secretary under section 1212 to provide additional counter-drug support to civilian agencies.

SEC. 1202. DEPARTMENT OF DEFENSE AS LEAD AGENCY FOR THE DETECTION AND MONITORING OF AERIAL AND MARITIME TRANSIT OF ILLEGAL DRUGS

(a) FUNCTION OF DEPARTMENT OF DEFENSE.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123 the following new section:

"§ 124. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

"(a) LEAD AGENCY.—The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

"(b) PERFORMANCE OF DETECTION AND MONITORING FUNCTION.—(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

"(A) identifying and communicating with that vessel or aircraft; and

"(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

"(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

"(c) UNITED STATES DEFINED.—In this section, the term 'United States' means the land area of the several States and any territory, commonwealth, or possession of the United States.".

(2) The table of sections of such chapter is amended by inserting after the item relating to section 123 the following new item:

"124. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.".

(b) CONFORMING REPEAL.—Section 1102 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2042), is repealed. 10 USC 113 note.

SEC. 1203. BUDGET PROPOSALS RELATING TO DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for fiscal years 1991 and 1992 shall set forth separately the amount requested for the mission of the Department of Defense related to drug interdiction and counter-drug activities in support of civilian agencies.

10 USC 124 note.

SEC. 1204. COMMUNICATIONS NETWORK

(a) INTEGRATION OF NETWORK.—(1) The Secretary of Defense shall integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated (in whole or in part) to the interdiction of illegal drugs into the United States.

(2) The Secretary shall carry out this subsection in consultation with the Director of National Drug Control Policy.

(b) CONFORMING REPEAL.—Section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2042), is repealed.

10 USC 374 note.

10 USC 124 note.

SEC. 1205. RESEARCH AND DEVELOPMENT

The Secretary of Defense shall ensure that adequate research and development activities of the Department of Defense, including research and development activities of the Defense Advanced Research Projects Agency, are devoted to technologies designed to improve—

(1) the ability of the Department to carry out the detection and monitoring function of the Department under section 124 of title 10, United States Code, as added by section 1202; and

(2) the ability to detect illicit drugs and other dangerous and illegal substances that are concealed in containers.

10 USC 124 note.

SEC. 1206. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS

(a) EXERCISES REQUIRED.—The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

(b) REPORT.—(1) Not later than February 1 of 1991 and 1992, the Secretary shall submit to Congress a report on the implementation of subsection (a) during the preceding fiscal year.

(2) The report shall include—

(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in the national counter-drug effort; and

(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

(c) DRUG-INTERDICTION AREAS DEFINED.—For purposes of this section, the term "drug-interdiction areas" includes land and sea areas in which, as determined by the Secretary, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.

SEC. 1207. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD

(a) ASSISTANCE AUTHORIZED.—(1) Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 112. Drug interdiction and counter-drug activities

"(a) Funding Assistance.—The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under subsection (b) sufficient funds for—

"(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State used for—

"(A) the purpose of drug interdiction and counter-drug activities; and

"(B) the operation and maintenance of the equipment and facilities of the National Guard of that State used for that purpose; and

"(2) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

"(b) Plan Requirements.—A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard of that State are to be used in drug interdiction and counter-drug activities;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of this title.

"(c) Examination of Plan.—(1) Before funds are provided to the Governor of a State under this section, the Secretary of Defense shall examine the adequacy of the plan submitted by the Governor under subsection (b).

"(2) Except as provided in paragraph (3), the Secretary shall carry out paragraph (1) in consultation with—

"(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

"(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.

"(3) Paragraph (2) shall not apply if—

"(A) the Governor of a State submits a plan under subsection (b) that is substantially the same as a plan submitted for that State for a previous fiscal year; and

"(B) funds were provided to the State pursuant to such plan.

"(d) Statutory Construction.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

"(e) Exclusion From End-Strength Computation.—(1) Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 517 and 524 of title 10.

Reports.

"(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report specifying for the period covered by the report the number of members of the National Guard excluded under paragraph (1) from the computation of end strengths.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'counter-drug activities' includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.

"(2) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

"(3) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"112. Drug interdiction and counter-drug activities.".

(b) CONFORMING REPEAL.—Section 1105 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2047), is repealed. 10 USC 374 note.

10 USC 372 note.

SEC. 1208. TRANSFER OF EXCESS PERSONAL PROPERTY

(a) TRANSFER AUTHORIZED.—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

(A) suitable for use by such agencies in counter-drug activities; and

(B) excess to the needs of the Department of Defense.

(2) Personal property transferred under this section may be transferred without cost to the recipient agency.

(3) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

(b) CONDITIONS FOR TRANSFER.—The Secretary may transfer personal property under this section only if—

(1) the property is drawn from existing stocks of the Department of Defense; and

(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

(c) APPLICATION.—The authority of the Secretary to transfer personal property under this section shall expire on September 30, 1992.

SEC. 1209. CIVIL AIR PATROL

To the extent funds are available under section 1201(f), the Secretary of Defense shall pay for expenses incurred by the Civil Air Patrol in conducting drug surveillance flights.

SEC. 1210. OPERATION OF EQUIPMENT USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL

Section 374(b)(2)(E) of title 10, United States Code, is amended by striking out ", the Attorney General" and all that follows through "outside the land area of the United States" and inserting in lieu thereof "and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)".

SEC. 1211. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL

Section 375 of title 10, United States Code, is amended—

(1) by striking out "the provision of any support" and inserting in lieu thereof "any activity";

(2) by striking out "to any civilian law enforcement official"; and

(3) by striking out "a search and seizure, an arrest," and inserting in lieu thereof "a search, seizure, arrest,".

SEC. 1212. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

At the request of the head of a Federal agency with counter-drug responsibilities, the Secretary of Defense during fiscal year 1990 may provide support for the counter-drug activities of that agency as follows:

(1) Maintenance and repair of equipment that has been made available by the Department of Defense under chapter 18 of title 10, United States Code, in order to preserve the potential future utility of such equipment to the Department of Defense.

(2) Transportation of personnel, supplies, and equipment for purposes of facilitating a counter-drug operation.

(3) Establishment and operation of a base of operations for purposes of facilitating a counter-drug operation.

(4) Loan of National Guard equipment, subject to such minimum standards of care and maintenance and such minimum training and proficiency requirements for persons who are to use such equipment as the Secretary considers appropriate.

(5) Training of personnel.

SEC. 1213. REPORTS

President of U.S.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counter-drug activities; and

(C) coordinating and controlling all intelligence activities relating to counter-drug activities.

(b) BY THE SECRETARY OF DEFENSE.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1205;

(B) on the feasibility of detailing officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources;

(C) on the feasibility of increasing the use of the resources and personnel of the Special Operations Command in drug interdiction and counter-drug activities; and

(D) on the desirability and feasibility of assigning active-duty members of the Armed Forces, at the request of the Secretary of the Treasury and with the approval of the Secretary of Defense, to assist the United States Customs Service in the inspection of cargo, vehicles, vessels, and aircraft at points of entry into the United States.

In preparing the report required by this paragraph, the Secretary shall consult with the Director of National Drug Control Policy and other appropriate heads of agencies.

(2) Not later than April 1, 1990, the Secretary of Defense shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may travel through drug interdiction areas, as defined in section 1206(c);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

In preparing the report required by this paragraph, the Secretary shall consult with the Secretary of Transportation and the Director of National Drug Control Policy.

(3) Not later than February 1 of 1990 and 1991, the Secretary of Defense shall submit to Congress a report on the drug interdiction and counter-drug activities of the Department of Defense under chapter 18, United States Code, and other applicable provisions of law during the preceding fiscal year. The report shall include—

(A) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

(B) specific information on the nature and terms of interagency agreements with other agencies relating to drug interdiction; and

(C) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under that chapter or to assist other agencies.

SEC. 1214. SENSE OF CONGRESS ON NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM

(a) FINDINGS.—Congress finds the following:

(1) The Anti-Drug Abuse Act of 1988 (Public Law 100-690) terminated the National Narcotics Border Interdiction System (NNBIS).

(2) The National Narcotics Border Interdiction System provided valuable information and support to State and local law enforcement agencies involved in drug interdiction activities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the cooperation that existed between State and local law enforcement officials and the Federal agencies participating in the National Narcotics Border

Interdiction System should, to the extent possible, be continued and enhanced by the President.

SEC. 1215. COOPERATIVE EFFORTS AGAINST ILLEGAL DRUGS

(a) Amendment to the Controlled Substances Act.—Section 511(e)(3)(B) of the Controlled Substances Act (21 U.S.C. 881(e)(3)(B)), as added by section 6077(a) of the Asset Forfeiture Amendments Act of 1988 (Public Law 100–690; 102 Stat. 4324), is amended to read as follows:

> "(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of October 1, 1989. 21 USC 881 note.

SEC. 1216. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES

(a) Chapter Designation.—The chapter following chapter 17 of title 10, United States Code (relating to military support for civilian law enforcement agencies), is redesignated as chapter 18.

(b) Reference to Tariff Schedules.—Section 374(b)(4) of such title is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) Cross-Reference Amendment.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

TITLE XIII—MILITARY APPELLATE PROCEDURES

SEC. 1301. COURT OF MILITARY APPEALS

(a) Review by the Court Under Article 67.—Section 867 (article 67) of title 10, United States Code, is amended—

> (1) by striking out subsections (a), (g), (h), and (i); and
>
> (2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (a), (b), (c), (d), and (e) respectively.

(b) Restatement of Certiorari Provision.—Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 867 (article 67) the following new section (article):

"§ 867a. Art. 67a. Review by the Supreme Court

"(a) Decisions of the United States Court of Military Appeals are subject to review by the Supreme Court by writ of certiorari as provided in section 1259 of title 28. The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Military Appeals in refusing to grant a petition for review.

"(b) The accused may petition the Supreme Court for a writ of certiorari without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.".

(c) Restatement and Revision of COMA Charter.—Chapter 47 of such title is amended by adding at the end the following new subchapter:

"SUBCHAPTER XI—COURT OF MILITARY APPEALS

"Sec. Art.
"941. 141. Status.
"942. 142. Judges.
"943. 143. Organization and employees.
"944. 144. Procedure.
"945. 145. Annuities for judges and survivors.
"946. 146. Code committee.

"§ 941. Art. 141. Status

"There is a court of record known as the United States Court of Military Appeals. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

"§ 942. Art. 142. Judges

"(a) Number.—The United States Court of Military Appeals consists of five judges.

"(b) Appointment; Qualification.—(1) Each judge of the court shall be appointed from civil life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (e).

"(2) The term of a judge shall expire as follows:

"(A) In the case of a judge who is appointed after March 31 and before October 1 of any year, the term shall expire on September 30 of the year in which the fifteenth anniversary of the appointment occurs.

"(B) In the case of a judge who is appointed after September 30 of any year and before April 1 of the following year, the term shall expire fifteen years after such September 30.

"(3) Not more than three of the judges of the court may be appointed from the same political party, and no person may be appointed to be a judge of the court unless the person is a member of the bar of a Federal court or the highest court of a State.

"(c) Removal.—Judges of the court may be removed from office by the President, upon notice and hearing, for—

"(1) neglect of duty;
"(2) misconduct; or
"(3) mental or physical disability.

A judge may not be removed by the President for any other cause.

"(d) Pay and Allowances.—Each judge of the court is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Courts of Appeals.

"(e) Senior Judges.—(1) A former judge of the court who is receiving retired pay or an annuity under section 945 of this title (article 145) or under subchapter III of chapter 83 or chapter 84 of title 5 shall be a senior judge.

"(2)(A) The chief judge of the court may call upon a senior judge of the court, with the consent of the senior judge, to perform judicial duties with the court—

"(i) during a period a judge of the court is unable to perform his duties because of illness or other disability;

"(ii) during a period in which a position of judge of the court is vacant; or

"(iii) in any case in which a judge of the court recuses himself.

"(B) A senior judge shall be paid for each day on which he performs judicial duties with the court an amount equal to the daily equivalent of the annual rate of pay provided for a judge of the court. Such pay shall be in lieu of retired pay and in lieu of an annuity under section 945 of this title (article 145), subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, or any other retirement system for employees of the Federal Government.

"(3) A senior judge, while performing duties referred to in paragraph (2), shall be provided with such office space and staff assistance as the chief judge considers appropriate and shall be entitled to the per diem, travel allowances, and other allowances provided for judges of the court.

"(4) A senior judge shall be considered to be an officer or employee of the United States with respect to his status as a senior judge, but only during periods the senior judge is performing duties referred to in paragraph (2). For the purposes of section 205 of title 18, a senior judge shall be considered to be a special government employee during such periods. Any provision of law that prohibits or limits the political or business activities of an employee of the United States shall apply to a senior judge only during such periods.

"(5) The court shall prescribe rules for the use and conduct of senior judges of the court. The chief judge of the court shall transmit such rules, and any amendments to such rules, to the Committees on Armed Services of the Senate and the House of Representatives not later than 15 days after the issuance of such rules or amendments, as the case may be.

"(6) For purposes of subchapter III of chapter 83 of title 5 (relating to the Civil Service Retirement and Disability System) and chapter 84 of such title (relating to the Federal Employees' Retirement System) and for purposes of any other Federal Government retirement system for employees of the Federal Government—

"(A) a period during which a senior judge performs duties referred to in paragraph (2) shall not be considered creditable service;

"(B) no amount shall be withheld from the pay of a senior judge as a retirement contribution under section 8334, 8343, 8422, or 8432 of title 5 or under any other such retirement system for any period during which the senior judge performs duties referred to in paragraph (2);

"(C) no contribution shall be made by the Federal Government to any retirement system with respect to a senior judge for any period during which the senior judge performs duties referred to in paragraph (2); and

"(D) a senior judge shall not be considered to be a reemployed annuitant for any period during which the senior judge performs duties referred to in paragraph (2).

"(f) SERVICE OF ARTICLE III JUDGES.—(1) The Chief Justice of the United States, upon the request of the chief judge of the court, may designate a judge of a United States court of appeals or of a United States district court to perform the duties of judge of the United States Court of Military Appeals—

"(A) during a period a judge of the court is unable to perform his duties because of illness or other disability; or

"(B) in any case in which a judge of the court recuses himself.

"(2) A designation under paragraph (1) may be made only with the consent of the designated judge and the concurrence of the chief judge of the court of appeals or district court concerned.

"(3) Per diem, travel allowances, and other allowances paid to the designated judge in connection with the performance of duties for the court shall be paid from funds available for the payment of per diem and such allowances for judges of the court.

"(g) EFFECT OF VACANCY ON COURT.—A vacancy on the court does not impair the right of the remaining judges to exercise the powers of the court.

"§ 943. Art. 143. Organization and employees

President of U.S.

"(a) CHIEF JUDGE.—The President shall designate from time to time one of the judges of the United States Court of Military Appeals to be chief judge of the court.

"(b) PRECEDENCE OF JUDGES.—The chief judge of the court shall have precedence and preside at any session that he attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) STATUS OF ATTORNEY POSITIONS.—(1) Attorney positions of employment under the Court of Military Appeals are excepted from the competitive service. Appointments to such positions shall be made by the court, without the concurrence of any other officer or employee of the executive branch, in the same manner as appointments are made to other executive branch positions of a confidential or policy-determining character for which it is not practicable to examine or to hold a competitive examination. Such positions shall not be counted as positions of that character for purposes of any limitation on the number of positions of that character provided in law.

"(2) In making appointments to the positions described in paragraph (1), preference shall be given, among equally qualified persons, to persons who are preference eligibles (as defined in section 2108(3) of title 5).

"§ 944. Art. 144. Procedure

"The United States Court of Military Appeals may prescribe its rules of procedure and may determine the number of judges required to constitute a quorum.

"§ 945. Art. 145. Annuities for judges and survivors

"(a) RETIREMENT ANNUITIES FOR JUDGES.—(1) A person who has completed a term of service for which he was appointed as a judge of the United States Court of Military Appeals is eligible for an annuity under this section upon separation from civilian service in the Federal Government.

"(2) A person who is eligible for an annuity under this section shall be paid that annuity if, at the time he becomes eligible to receive that annuity, he elects to receive that annuity in lieu of any other annuity for which he may be eligible at the time of such election (whether an immediate or a deferred annuity) under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5 or any other retirement system for civilian employees of the Federal Government. Such an election may not be revoked.

"(3)(A) The Secretary of Defense shall notify the Director of the Office of Personnel Management whenever an election under paragraph (2) is made affecting any right or interest under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5 based on service as a judge of the United States Court of Military Appeals.

"(B) Upon receiving any notification under subparagraph (A) in the case of a person making an election under paragraph (2), the Director shall determine the amount of the person's lump-sum credit under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, as applicable, and shall request the Secretary of the Treasury to transfer such amount from the Civil Service Retirement and Disability Fund to the Department of Defense Military Retirement Fund. The Secretary of the Treasury shall make any transfer so requested.

"(C) In determining the amount of a lump-sum credit under section 8331(8) of title 5 for purposes of this paragraph—

"(i) interest shall be computed using the rates under section 8334(e)(3) of such title; and

"(ii) the completion of 5 years of civilian service (or longer) shall not be a basis for excluding interest.

"(b) AMOUNT OF ANNUITY.—The annuity payable under this section to a person who makes an election under subsection (a)(2) is 80 percent of the rate of pay for a judge in active service on the United States Court of Military Appeals as of the date on which the person is separated from civilian service.

"(c) RELATION TO THRIFT SAVINGS PLAN.—Nothing in this section affects any right of any person to participate in the thrift savings plan under section 8351 of title 5 or subchapter III of chapter 84 of such title.

Regulations.

"(d) SURVIVOR ANNUITIES.—The Secretary of Defense shall prescribe by regulation a program to provide annuities for survivors and former spouses of persons receiving annuities under this section by reason of elections made by such persons under subsection (a)(2). That program shall, to the maximum extent practicable, provide benefits and establish terms and conditions that are similar to those provided under survivor and former spouse annuity programs under other retirement systems for civilian employees of the Federal Government. The program may include provisions for the reduction in the annuity paid the person as a condition for the survivor annuity. An election by a judge (including a senior judge) or former judge to receive an annuity under this section terminates any right or interest which any other individual may have to a survivor annuity under any other retirement system for civilian employees of the Federal Government based on the service of that judge or former judge as a civilian officer or employee of the Federal Government (except with respect to an election under subsection (g)(1)(B)).

"(e) COST-OF-LIVING INCREASES.—The Secretary of Defense shall periodically increase annuities and survivor annuities paid under this section in order to take account of changes in the cost of living. The Secretary shall prescribe by regulation procedures for increases in annuities under this section. Such system shall, to the maximum extent appropriate, provide cost-of-living adjustments that are similar to those that are provided under other retirement systems for civilian employees of the Federal Government.

Regulations.

"(f) DUAL COMPENSATION.—A person who is receiving an annuity under this section by reason of service as a judge of the court and who is appointed to a position in the Federal Government shall, during the period of such person's service in such position, be entitled to receive only the annuity under this section or the pay for that position, whichever is higher.

"(g) ELECTION OF JUDICIAL RETIREMENT BENEFITS.—(1) A person who is receiving an annuity under this section by reason of service as a judge of the court and who later is appointed as a justice or judge of the United States to hold office during good behavior and who retires from that office, or from regular active service in that office, shall be paid either (A) the annuity under this section, or (B) the annuity or salary to which he is entitled by reason of his service as such a justice or judge of the United States, as determined by an election by that person at the time of his retirement from the office, or from regular active service in the office, of justice or judge of the United States. Such an election may not be revoked.

"(2) An election by a person to be paid an annuity or salary pursuant to paragraph (1)(B) terminates (A) any election previously made by such person to provide a survivor annuity pursuant to subsection (d), and (B) any right of any other individual to receive a survivor annuity pursuant to subsection (d) on the basis of the service of that person.

"(h) SOURCE OF PAYMENT OF ANNUITIES.—Annuities and survivor annuities paid under this section shall be paid out of the Department of Defense Military Retirement Fund.

"§ 946. Art. 146. Code committee

"(a) ANNUAL SURVEY.—A committee shall meet at least annually and shall make an annual comprehensive survey of the operation of this chapter.

"(b) COMPOSITION OF COMMITTEE.—The committee shall consist of—

"(1) the judges of the United States Court of Military Appeals;

"(2) the Judge Advocates General of the Army, Navy, and Air Force, the Chief Counsel of the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps; and

"(3) two members of the public appointed by the Secretary of Defense.

"(c) REPORTS.—(1) After each such survey, the committee shall submit a report—

"(A) to the Committees on Armed Services of the Senate and House of Representatives; and

"(B) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation.

"(2) Each report under paragraph (1) shall include the following:

"(A) Information on the number and status of pending cases.

"(B) Any recommendation of the committee relating to—

"(i) uniformity of policies as to sentences;

"(ii) amendments to this chapter; and

"(iii) any other matter the committee considers appropriate.

"(d) QUALIFICATIONS AND TERMS OF APPOINTED MEMBERS.—Each member of the committee appointed by the Secretary of Defense under subsection (b)(3) shall be a recognized authority in military justice or criminal law. Each such member shall be appointed for a term of three years.

"(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to the committee.".

10 USC 942 note.

(d) TRANSITION FROM THREE-JUDGE COURT TO FIVE-JUDGE COURT.—(1) Effective during the period before October 1, 1990—

(A) the number of members of the United States Court of Military Appeals shall (notwithstanding subsection (a) of section 942 of title 10, United States Code, as enacted by subsection (c)) be three; and

(B) the maximum number of members of the court who may be appointed from the same political party shall (notwithstanding subsection (b)(3) of section 942) be two.

(2) In the application of paragraph (2) of section 942(b) of title 10, United States Code (as enacted by subsection (c)) to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—

(A) with respect to one such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven; and

(B) with respect to the other such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the thirteenth anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being thirteen.

(e) Transition Rules Relating to Retirement of New Judges.— (1) Except as otherwise provided in paragraphs (2) and (3), each judge to whom subsection (d)(2) applies shall be eligible for an annuity as provided in section 945 of title 10, United States Code, as enacted by subsection (c). 10 USC 942 note.

(2) The annuity of a judge referred to in paragraph (1) is computed under subsection (b) of such section 945 only if the judge—

(A) completes the term of service for which he is first appointed;

(B) is reappointed as a judge of the United States Court of Military Appeals at any time after the completion of such term of service;

(C) is separated from civilian service in the Federal Government after completing a total of 15 years as a judge of such court; and

(D) elects to receive an annuity under such section in accordance with subsection (a)(2) of such section.

(3) In the case of a judge referred to in paragraph (1) who is separated from civilian service after completing the term of service for which he is first appointed as a judge of the United States Court of Military Appeals and before completing a total of 15 years as a judge of such court, the annuity of such judge (if elected in accordance with section 945(a)(2) of title 10, United States Code) shall be ¹⁄₁₅ of the amount computed under subsection (b) of such section times the number of years (including any fraction thereof) of such judge's service as a judge of the court.

(f) Applicability of Amended Retirement Provisions.—Except as otherwise provided in subsections (c) and (d), section 945 of title 10, United States Code, as enacted by subsection (c), applies with respect to judges of the United States Court of Military Appeals whose terms of service on such court end after September 28, 1988, and to the survivors of such judges. 10 USC 942 note.

(g) Terms of Current Judges.—Section 942(b) of title 10, United States Code, as enacted by subsection (c), shall not apply to the term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act. The term of office of such a judge shall expire on the later of (A) the date the term of such judge would have expired under section 867(a)(1) of 10 USC 942 note.

title 10, United States Code, as in effect on the day before such date of enactment, or (B) September 30 of the year in which the term of such judge would have expired under such section 867(a)(1).

10 USC 942 note. (h) Civil Service Status of Current Employees.—Section 943(c) of title 10, United States Code, as enacted by subsection (c), shall not be applied to change the civil service status of any attorney who is an employee of the United States Court of Military Appeals on the day before the date of the enactment of this Act.

(i) Termination of Authority Relating to Service of Article III Judges After 5 Years.—The authority of the Chief Justice of the United States under section 942(f) of title 10, United States Code, as enacted by subsection (c), shall terminate on September 30, 1995.

SEC. 1302. APPELLATE REVIEW OF ARTICLE 69 ACTIONS

(a) Review.—Section 869 (article 69) of title 10, United States Code, is amended—

(1) in subsection (a), by striking out the third sentence; and

(2) by adding at the end the following:

"(d) A Court of Military Review may review, under section 866 of this title (article 66)—

"(1) any court-martial case which (A) is subject to action by the Judge Advocate General under this section, and (B) is sent to the Court of Military Review by order of the Judge Advocate General; and

"(2) any action taken by the Judge Advocate General under this section in such case.

"(e) Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Military Review under this section, the Court may take action only with respect to matters of law.".

10 USC 869 note. (b) Effective Date.—Subsection (e) of section 869 of title 10, United States Code, as added by subsection (a), shall apply with respect to cases in which a finding of guilty is adjudged by a general court-martial after the date of the enactment of this Act.

SEC. 1303. INVESTIGATION OF JUDICIAL MISCONDUCT

Subchapter I of chapter 47 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 806a. Art. 6a. Investigation and disposition of matters pertaining to the fitness of military judges

"(a) The President shall prescribe procedures for the investigation and disposition of charges, allegations, or information pertaining to the fitness of a military judge or military appellate judge to perform the duties of the judge's position. To the extent practicable, the procedures shall be uniform for all armed forces.

"(b) The President shall transmit a copy of the procedures prescribed pursuant to this section to the Committees on Armed Services of the Senate and House of Representatives.".

SEC. 1304. TECHNICAL AND CONFORMING AMENDMENTS

(a) Clerical Amendments.—(1) The table of subchapters at the beginning of chapter 47 of title 10, United States Code, is amended by adding at the end the following new item:

"XII. Court of Military Appeals .... 941 141".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"806a. 6a. Investigation and disposition of matters pertaining to the fitness of military judges.".

(b) Conforming Amendments.—(1) Section 869(a) (article 69(a)) of title 10, United States Code, is amended by striking out "section 867(b)(2) of this title (article 67(b)(2))" in the third sentence and inserting in lieu thereof "section 867(a)(2) of this title (article 67(a)(2))".

(2) Section 8337(a) of title 5, United States Code, is amended by striking out "section 867(a)(2)" in the fourth sentence and inserting in lieu thereof "section 942(c)".

(3) Section 1259 of title 28, United States Code, is amended by striking out "section 867(b)(1)", "section 867(b)(2)", and "section 867(b)(3)" and inserting in lieu thereof "section 867(a)(1)", "section 867(a)(2)", and "section 867(a)(3)", respectively.

TITLE XIV—MILITARY SURVIVOR BENEFIT PLAN

Military Survivor Benefits Improvement Act of 1989.
10 USC 1447 note.

SEC. 1401. SHORT TITLE

This title may be cited as the "Military Survivor Benefits Improvement Act of 1989".

SEC. 1402. REVISED PREMIUM COMPUTATION FOR SURVIVOR BENEFIT PLAN ANNUITIES

(a) Revision in Retired Pay Reduction.—Subsection (a) of section 1452 of title 10, United States Code, is amended by striking out the matter preceding paragraph (2) and inserting in lieu thereof the following:

"(a) Spouse and Former Spouse Annuities.—

"(1) Required reduction in retired pay.—Except as provided in subsection (b), the retired pay of a participant in the Plan who is providing spouse coverage (as described in paragraph (5)) shall be reduced as follows:

"(A) Standard annuity.—If the annuity coverage being provided is a standard annuity, the reduction shall be as follows:

"(i) Disability and nonregular service retirees.—In the case of a person who is entitled to retired pay under chapter 61 or chapter 67 of this title, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

"(ii) Members as of enactment of flat-rate reduction.—In the case of a person who first became a member of a uniformed service before March 1, 1990, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

"(iii) New entrants after enactment of flat-rate reduction.—In the case of a person who first becomes a member of a uniformed service on or after March 1, 1990, and who is entitled to retired pay under a provision of law other than chapter 61 or chapter 67 of this title, the reduction shall be in an amount equal to 6½ percent of the base amount.

"(iv) Alternative reduction amounts.—For purposes of clauses (i) and (ii), the alternative reduction amounts are the following:

"(I) An amount equal to 6½ percent of the base amount.

"(II) An amount equal to 2½ percent of the first $337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount.

"(B) Reserve-component annuity.—If the annuity coverage being provided is a reserve-component annuity, the reduction shall be in whichever of the following amounts is more favorable to that person:

"(i) An amount equal to 6½ percent of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

"(ii) An amount equal to 2½ percent of the first $337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.".

(b) Persons Providing Spouse Coverage.—Such subsection is further amended by adding at the end the following new paragraph:

"(5) For the purposes of paragraph (1), a participant in the Plan who is providing spouse coverage is a participant who—

"(A) has (i) a spouse or former spouse, or (ii) a spouse or former spouse and a dependent child; and

"(B) has not elected to provide an annuity to a person designated by him under section 1448(b)(1) of this title or, having made such an election, has changed his election in favor of his spouse under section 1450(f) of this title.".

(c) Conforming Amendment.—Subsection (a)(4) of such section is amended by striking out "amount under paragraph (1)(A)" in subparagraphs (A) and (B) and inserting in lieu thereof "amounts under paragraph (1)".

10 USC 1452 note.

(d) Recomputation of SBP Premium for Current Participants.—

(1) Recomputation.—The Secretary concerned shall recompute the SBP premium of persons described in paragraph (2). Any such recomputation shall take effect on March 1, 1990.

(2) Persons covered.—A person referred to in paragraph (1) as described in this paragraph is a person who on March 1, 1990—

(A) is entitled to retired pay;

(B) is providing spouse coverage (as described in paragraph (5) of section 1452 of title 10, United States Code, as added by subsection (b)); and

(C) is subject to an SBP premium in excess of 6½ percent of the base amount of that person under the Survivor Benefit Plan.

(3) Amount of recomputed premium.—The amount of an SBP premium recomputed under this subsection shall be 6½ percent of the base amount under the Survivor Benefit Plan of the person whose premium is recomputed.

(4) SBP premium defined.—For purposes of this subsection, the term "SBP premium" means a reduction in retired pay under section 1452 of title 10, United States Code.

SEC. 1403. CORRECTION OF ANNUITY COMPUTATION FOR SURVIVORS OF CERTAIN RETIREMENT-ELIGIBLE OFFICERS DYING WHILE ON ACTIVE DUTY

(a) ANNUITY COMPUTATION BASED ON FINAL BASIC PAY.—Paragraph (3) of section 1451(c) of title 10, United States Code, is amended to read as follows:

"(3) In the case of an annuity provided by reason of the service of a member described in section 1448(d)(1)(B) or 1448(d)(1)(C) of this title who first became a member of a uniformed service before September 8, 1980, the retired pay to which the member would have been entitled when he died shall be determined for purposes of paragraph (1) based upon the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death, unless (as determined by the Secretary concerned) the member would have been entitled to be retired in a higher grade.".

(b) ADJUSTMENT OF ANNUITIES ALREADY IN EFFECT.— 10 USC 1451 note.

(1) RECOMPUTATION.—The Secretary concerned shall recompute the annuity of any person who on the effective date specified in subsection (d) is entitled to an annuity under the Survivor Benefit Plan by reason of eligibility described in section 1448(d)(1)(B) or 1448(d)(1)(C) of title 10, United States Code, and who is further described in subsection (c).

(2) AMOUNT OF RECOMPUTED ANNUITIES.—The amount of the annuity as so recomputed shall be the amount that would be in effect for that annuity on the effective date specified in subsection (d) if the annuity had originally been computed subject to the provisions of paragraph (3) of section 1451(c) of title 10, United States Code, as amended by subsection (a).

(c) PERSONS ELIGIBLE FOR RECOMPUTATION.—A person is eligible to have an annuity under the Survivor Benefit Plan recomputed under subsection (b) if—

(1) the annuity is based upon the service of a member of the uniformed services who died on active duty during the period beginning on September 21, 1972, and ending on the effective date specified in subsection (d); and

(2) the retired pay of that member for the purposes of determining the amount of the annuity under the Survivor Benefit Plan was computed using a rate of basic pay lower than the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death.

(d) EFFECTIVE DATE.—An annuity recomputed under subsection (b) shall take effect as so recomputed on March 1, 1990.

SEC. 1404. PROGRAM TO PROVIDE SUPPLEMENTAL SPOUSE ANNUITY FOR MILITARY RETIREES

(a) ESTABLISHMENT OF PROGRAM.—(1) Effective on October 1, 1991, chapter 73 of title 10, United States Code, is amended by adding at the end the following new subchapter: Effective date.

"SUBCHAPTER III—SUPPLEMENTAL SURVIVOR BENEFIT PLAN

"Sec.

"1456. Supplemental spouse coverage: establishment of plan; definitions.
"1457. Supplemental spouse coverage: payment of annuity; amount.
"1458. Supplemental spouse coverage: eligible participants; elections of coverage.
"1459. Former spouse coverage: special rules.

"1460. Supplemental spouse coverage: reductions in retired pay.
"1460a. Incorporation of certain administrative provisions.
"1460b. Regulations.

"§ 1456. Supplemental spouse coverage: establishment of plan; definitions

"(a) Establishment of Supplemental Survivor Benefit Plan.—

"(1) Plan.—The Secretary of Defense shall carry out a program in accordance with this subchapter to enable participants in the Survivor Benefit Plan who are providing coverage for a spouse or former spouse beneficiary under that Plan to also provide a supplemental annuity for that spouse or former spouse beginning when the participant dies or when the spouse or former spouse becomes 62 years of age, whichever is later, in order to offset the effects of the two-tier annuity computation under the Survivor Benefit Plan.

"(2) Name of plan.—The program under this subchapter shall be known as the Supplemental Survivor Benefit Plan.

"(b) Definitions.—

"(1) Incorporation of definitions applicable to survivor benefit plan.—The definitions in section 1447 of this title apply in this subchapter.

"(2) Supplemental spouse annuity defined.—In this subchapter, the term 'supplemental spouse annuity' means an annuity provided to a spouse or former spouse under this subchapter.

"§ 1457. Supplemental spouse coverage: payment of annuity; amount

"(a) Commencement of Annuity.—A supplemental spouse annuity commences on the later of—

"(1) the day on which an annuity under the Survivor Benefit Plan becomes payable to the beneficiary; or

"(2) the first day of the first month after the month in which the beneficiary becomes 62 years of age.

"(b) Amount of Annuity for Beneficiary of Person Providing Standard Annuity Under SBP.—In the case of a person providing a standard annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to the beneficiary under this subchapter shall be the amount equal to 20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity. The annuity shall be computed as of the date of the death of the person providing the annuity, notwithstanding that the annuity is not payable at that time by reason of subsection (a).

"(c) Amount of Annuity for Beneficiary of Person Providing Reserve-Component Annuity Under SBP.—In the case of a person providing a reserve-component annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to that beneficiary under this subchapter shall be determined as follows:

"(1) Beneficiary initially 62 years of age or older.—If the beneficiary is 62 years of age or older when the beneficiary becomes entitled to the reserve-component annuity under the

Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity is the difference between—

"(A) the amount of the reserve-component annuity under the Survivor Benefit Plan to which the beneficiary would be entitled if that beneficiary were under 62 years of age (as computed under section 1451(a)(2)(A) of this title); and

"(B) the amount of the reserve-component annuity to which the beneficiary is entitled (as computed under section 1451(a)(2)(B) of this title).

"(2) BENEFICIARY INITIALLY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age when the beneficiary becomes entitled to the reserve-component annuity under the Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity of that beneficiary (commencing on the date specified in subsection (a)(2)) is the amount by which the beneficiary's annuity under the Survivor Benefit Plan is reduced (on the same day) under section 1451(d) of this title.

"(3) EXCLUSION OF DIC OFFSET.—Computations under paragraphs (1) and (2) shall be made without regard to any reduction required under section 1450(c) of this title (or any other provision of law) with respect to the receipt of dependency and indemnity compensation under section 411 of title 38.

"(d) ADJUSTMENTS IN ANNUITIES.—

"(1) PERIODIC ADJUSTMENTS (COLAS).—Whenever annuities under the Survivor Benefit Plan are increased under section 1451(g)(1) of this title (or any other provision of law) or recomputed under section 1451(i) of this title, each annuity under this subchapter shall be increased or recomputed at the same time. The increase shall, in the case of any such annuity, be by the same percent as the percent by which the annuity of that beneficiary is increased or recomputed under the Survivor Benefit Plan.

"(2) ROUNDING DOWN.—The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

"(e) TERMINATION OF ANNUITY.—A supplemental spouse annuity terminates effective as of the first day of the month in which the beneficiary dies or otherwise becomes ineligible to continue to receive an annuity under the Survivor Benefit Plan.

"§ 1458. Supplemental spouse coverage: eligible participants; elections of coverage

"(a) COVERAGE.—

"(1) IN GENERAL.—A person who provides an annuity for a spouse or former spouse under the Survivor Benefit Plan may elect in accordance with this section to provide a supplemental spouse annuity for that spouse or former spouse.

"(2) COVERAGE CONTINGENT ON CONCURRENT SBP COVERAGE.—When a person providing a supplemental spouse annuity under this subchapter ceases to be a participant under the Survivor Benefit Plan, that person's coverage under this subchapter automatically terminates.

"(3) ELECTIONS TO BE VOLUNTARY.—A person may not be ordered or required to elect (or to enter into an agreement to elect) to provide a spouse or former spouse with a supplemental spouse annuity under this subchapter. Except as provided in section 1459(b) of this title, in no case shall a person be deemed to have made an election to provide a supplemental annuity for a spouse or former spouse of such person.

"(b) Limitation on Eligibility for Certain SBP Participants Not Affected by Two-Tier Annuity Computation.—A person is not eligible to make an election under this section if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of this title. However, such a person may waive the right to have that annuity computed under section 1451(e) of this title. Any such election is irrevocable. A person making such a waiver may make an election under this section as in the case of any other participant in the Survivor Benefit Plan.

"(c) Election of Supplemental Spouse Annuity Before Becoming a Participant in SBP.—

"(1) In general.—A person anticipating becoming a participant in the Survivor Benefit Plan who has a spouse or former spouse may elect to provide a supplemental spouse annuity under this subchapter for that spouse or former spouse.

"(2) Conditions on election.—An election under paragraph (1)—

"(A) must be made before the day on which the person making the election first becomes a participant in the Survivor Benefit Plan; and

"(B) shall be made in the same manner as an election under section 1448 of this title that is available to that person at the same time.

"(3) Requirement of spouse annuity under sbp.—If upon becoming a participant in the Survivor Benefit Plan under section 1448 of this title the person is not providing an annuity for the person's spouse or former spouse, an election under this section to provide a supplemental spouse annuity shall be void.

"(4) Special rule for rcsbp participants.—For the purposes of this subsection, a person providing a reserve-component annuity under the Survivor Benefit Plan shall not be considered to have become a participant in that Plan until the end of the 90-day period referred to in clause (iii) of section 1448(a)(2)(B) of this title.

"(d) Election of Former Spouse After Becoming Eligible for Survivor Benefit Plan.—

"(1) Election of coverage.—A person who elects under section 1448(b)(3) of this title to provide coverage under the Survivor Benefit Plan for a former spouse may elect to provide a supplemental spouse annuity for that former spouse. Any such election must be signed by the person and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(2) Effective date of election.—An election under paragraph (1) is effective as of the same day as the election under section 1448(b)(3) of this title.

"(e) Notice to Spouse of Former Spouse Coverage.—If a married person who is eligible to provide an annuity under the Survivor Benefit Plan elects to provide an annuity under that Plan for a former spouse (or for a former spouse and dependent child) and elects under this section to provide a supplemental spouse annuity for that former spouse, the notification to the person's spouse under section 1448(a)(3)(E) or 1448(b)(3)(D) of this title shall include notice of the election under this section.

"(f) Irrevocability of Elections.—

"(1) Standard annuity.—An election under subsection (c) to provide a supplemental spouse annuity by a person providing a standard annuity under the Survivor Benefit Plan is irrevocable if not revoked on the day before the date on which the person first becomes a participant in that Plan.

"(2) Reserve-component annuity.—An election under subsection (c) to provide a supplemental spouse annuity by a person providing a reserve-component annuity under the Survivor Benefit Plan is irrevocable if not revoked before the end of the 90-day period with respect to that person referred to in clause (iii) of section 1448(a)(2)(B) of this title.

"(3) Former spouse elections.—An election under subsection (d) may not be revoked except in accordance with subsection (h).

"(g) Remarriage After Retirement.—

"(1) Election upon remarriage.—A person—

"(A) who is a participant in the Survivor Benefit Plan and is providing coverage under that Plan for a spouse (or a spouse and child) but is not a participant in the Supplemental Survivor Benefit Plan;

"(B) who does not have an eligible spouse beneficiary under that Plan; and

"(C) who remarries,

may (subject to paragraph (2)) elect to provide a supplemental spouse annuity under this subchapter for the person's spouse.

"(2) Limitations on election.—A person may not make an election under paragraph (1) if the person elects under section 1448(a)(6)(A) of this title not to provide coverage under the Survivor Benefit Plan for the person's spouse.

"(3) Conditions on election.—An election under paragraph (1)—

"(A) is irrevocable;

"(B) shall be made within one year after the remarriage; and

"(C) shall be made in such form and manner as may be prescribed in regulations under section 1460b of this title.

"(h) Change of Former Spouse Beneficiary to Spouse or Child Beneficiary.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter elects under section 1450(f)(1) of this title to change the beneficiary of the annuity under the Survivor Benefit Plan in order to provide an annuity under that Plan to that person's spouse or to a dependent child—

"(1) the beneficiary under the supplemental spouse annuity shall be deemed to be changed to that spouse also, if the change under section 1450(f)(1) was to provide the annuity for the person's spouse; and

"(2) participation in the supplemental spouse annuity program shall be terminated, if the change under section 1450(f)(1) of this title was to provide the annuity for a dependent child.

"(i) Reinstatement of Discontinued Annuity Upon Reinstatement of SBP Annuity.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter discontinues participation in the Survivor Benefit Plan under any provision of law and subsequently resumes participation in that Plan under any provision of law, the participation of that person in the Supplemental Survivor Benefit Plan under this chapter shall be reinstated effective on the day on which participation in the Survivor Benefit Plan resumes.

"§ 1459. Former spouse coverage: special rules

"(a) DISCLOSURE OF VOLUNTARY WRITTEN AGREEMENT WITH FORMER SPOUSE.—A person who elects under section 1458 of this title to provide a supplemental spouse annuity for a former spouse shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

"(b) ENFORCEMENT OF VOLUNTARY WRITTEN AGREEMENTS INCIDENT TO DIVORCE, ETC.—

"(1) ELECTIONS DEEMED TO HAVE BEEN MADE.—If a person who is eligible to elect under section 1458 of this title to provide a supplemental spouse annuity for a former spouse voluntarily enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect to provide a supplemental annuity for a former spouse and that agreement is incorporated in or ratified or approved by a court order or is filed with the court of appropriate jurisdiction in accordance with applicable State law, and such person then fails or refuses to make the election as set forth in the voluntary agreement, such person shall be deemed to have made the election if the Secretary concerned—

"(A) receives from the former spouse concerned a written request, in such manner as the Secretary shall prescribe, requesting that the election be deemed to have been made; and

"(B) receives (i) a copy of the court order, regular on its face, which incorporates, ratifies, or approves the written agreement of such person, or (ii) a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law.

"(2) TIME LIMIT FOR REQUEST TO SECRETARY CONCERNED.—An election may not be deemed to have been made under paragraph (1) in the case of any person unless the Secretary concerned receives a request from the former spouse within one year after the date of the court order or filing involved.

"(3) EFFECTIVE DATE OF DEEMED ELECTION.—An election deemed to have been made under paragraph (1) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

"§ 1460. Supplemental spouse coverage: reductions in retired pay

"(a) REDUCTION REQUIRED.—The retired pay of a person who elects to provide a supplemental spouse annuity shall be reduced each month as required under regulations prescribed under subsection (b).

"(b) Regulations Determining Amount of Reduction.—Regulations for the purposes of subsection (a) shall be prescribed by the Secretary of Defense. Those regulations shall be based upon assumptions used by the Department of Defense Retirement Board of Actuaries in the valuation of military retirement and survivor benefit programs under chapter 74 of this title (including assumptions relating to mortality, interest rates, and inflation) and shall ensure the following:

"(1) That reductions in retired pay under this section are made in amounts sufficient to provide that the Supplemental Survivor Benefit Plan operates on an actuarially neutral basis.

"(2) That such reductions are stated, with respect to the base amount (under the Survivor Benefit Plan) of any person, as a constant percentage of that base amount.

"(3) That the amounts of such reductions in retired pay of persons participating in the Supplemental Survivor Benefit Plan (stated as a percentage of base amount)—

"(A) are based on the age of the participant at the time participation in that Plan is first effective under this subchapter; and

"(B) are not determined by any other demographic differentiation among participants in the Plan.

"(4) That such reductions are otherwise determined in accordance with generally accepted actuarial principles and practices.

"(c) Suspension of Reduction When There Is No Spouse Beneficiary.—A reduction in retired pay under this section shall not be made in the case of any person during any month in which there is no eligible spouse or former spouse beneficiary.

"(d) Adjustments in Amount of Reduction.—Whenever the amount of the reduction in retired pay of a participant in the Survivor Benefit Plan is increased under section 1452(h) of this title or recomputed under section 1452(i) of this title, the amount of the reduction in that retired pay under this section shall be increased or recomputed, as the case may be, at the same time and in the same manner as that increase or recomputation.

"(e) Administrative Provisions.—The provisions of subsections (d) and (f) of section 1452 of this title apply with respect to the participation of a person in the Supplemental Survivor Benefit Plan in the same manner that those provisions apply under the Survivor Benefit Plan.

"§ 1460a. Incorporation of certain administrative provisions

"(a) Applicability of Certain Provisions of SBP Law.—The provisions of section 1449, 1452(g), 1453, and 1454 of this title are applicable to a person eligible to make an election, and to an election, under this subchapter in the same manner as if made under subchapter II.

"(b) Other Applicable Provisions.—Except to the extent otherwise provided in regulations prescribed under section 1460b of this title, the provisions of subsections (h), (i), and (l) of section 1450 of this title apply to supplemental spouse annuities in the same manner that those provisions apply to annuities under the Survivor Benefit Plan.

"§ 1460b. Regulations

President of U.S.

"The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform

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for the uniformed services and shall, so far as practicable, incorporate provisions of the regulations in effect under section 1455 of this title.".

Effective date.

(2) Effective on October 1, 1991, the table of subchapters at the beginning of chapter 73 of such title is amended by adding at the end the following new item:

"III. Supplemental Spouse Coverage for Survivor Benefit Plan Participants.... 1456".

(b) CONFORMING AMENDMENTS.—(1) Section 1331(d) of title 10, United States Code, is amended by inserting "and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter," after "this title".

(2) Section 3101(c)(1) of title 38, United States Code, is amended by striking out "of subchapter I or II".

Effective date.
10 USC 1331 note.

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 1991.

10 USC 1448 note.

SEC. 1405. OPEN ENROLLMENT PERIOD

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code, as added by section 1404.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) ELECTION.—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code, as added by section 1404.

(2) PERSONS ELIGIBLE.—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section. Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) MANNER OF MAKING ELECTIONS.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the one-year period beginning on October 1, 1991.

(g) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) REPORT CONCERNING OPEN SEASON.—Not later than June 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the open season authorized by this section for the Survivor Benefit Plan. The report shall include—

(1) a description of the Secretary's plans for implementation of the open season;

(2) the Secretary's estimates of the costs associated with the open season, including any anticipated effect of the open season on the actuarial status of the Department of Defense Military Retirement Fund; and

(3) any recommendation by the Secretary for further legislative action.

10 USC 1448 note.

SEC. 1406. DEFINITIONS

For the purpose of this title:

(1) The term "Survivor Benefit Plan" means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term "retired pay" includes retainer pay paid under section 6330 of title 10, United States Code.

(3) The terms "uniformed services" and "Secretary concerned" have the meanings given those terms in section 101 of title 37, United States Code.

SEC. 1407. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS

(a) GENERAL AMENDMENTS.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended—

(A) in paragraph (5), by striking out "this clause" both places it appears and inserting in lieu thereof "this paragraph";

(B) in paragraph (11), by inserting "paid under section 6330 of this title" after "retainer pay"; and

(C) by adding at the end the following new paragraph:

"(14) The term 'reserve-component retired pay' means retired pay under chapter 67 of this title.".

(2) Sections 1447(2)(B), 1447(2)(C)(ii), 1448(a)(1)(B), 1448(a)(2)(B), 1448(f)(1)(A), 1448(f)(1)(B), and 1450(l)(1) are amended by striking out "retired pay under chapter 67 of this title" and inserting in lieu thereof "reserve-component retired pay".

(3) Sections 1447(2)(C)(i), 1447(3), 1447(4), 1448(a)(4)(A), 1449, and 1450(l)(2) are amended by striking out "or retainer".

(4) Section 1450(f)(3)(B) is amended—

(A) by striking out "before October 1, 1985, or"; and

(B) by striking out ", whichever is later".

(5) Section 1451(c)(4) is amended by inserting "by reason of the service of a person who first became a member of a uniformed service before September 8, 1980" after "of this title".

(6) Section 1451(e)(1) is amended by striking out "plan" in the matter preceding subparagraph (A) and inserting in lieu thereof "Plan".

(7) Section 1451(e)(1)(B) is amended—

(A) by striking out "is" each place it appears and inserting in lieu thereof "was";

(B) by striking out "has" in clause (ii) and inserting in lieu thereof "had"; and

(C) by striking out "would be" in clause (iii) and inserting in lieu thereof "would have been".

(8) Section 1451(e)(2) is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in subparagraphs (A) and (B).

(9) Section 1452(h) is amended—

(A) by inserting "(or any other provision of law)" after "of this title" the first place it appears; and

(B) by striking out "increased under section 1401a of this title" and inserting in lieu thereof "so increased".

(10)(A) The heading of section 1454 is amended to read as follows:

"§ 1454. Correction of administrative errors".

(B) The item relating to that section in the table of sections at the beginning of that subchapter is amended to read as follows:

"1454. Correction of administrative errors.".

(b) Parity of Treatment of Former Spouses and Surviving Spouses.—(1) Section 1451(e) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (4)(A) after "widow or widower".

10 USC 1451 note.

(2) The amendments made by paragraph (1) shall apply only with respect to the computation of an annuity for a person who becomes a former spouse under a divorce that becomes final after the date of the enactment of this Act.

Military Child Care Act of 1989.
10 USC 113 note.

TITLE XV—MILITARY CHILD CARE

SEC. 1501. SHORT TITLE; DEFINITIONS

(a) Short Title.—This title may be cited as the "Military Child Care Act of 1989".

(b) Definitions.—For purposes of this title:

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the Armed Forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

(2) The term "family home day care" means home-based child care services that are provided for members of the Armed Forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

(3) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

(4) The term "child care fee receipts" means those nonappropriated funds that are derived from fees paid by members of the Armed Forces for child care services provided at military child development centers.

SEC. 1502. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1990

(a) Fiscal Year 1990 Funding.—(1) It is the policy of Congress that the amount of appropriated funds available during fiscal year 1990 for operating expenses for military child development centers shall not be less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year. Of the amount authorized to be appropriated for the Department of Defense for fiscal year 1990, $102,000,000 shall be available for operating expenses for military child development centers.

(2) In addition to the amount referred to in paragraph (1), $26,000,000 shall be available for child care and child-related services of the Department other than military child development centers.

(3) In using the funds referred to in paragraph (1), the Secretary shall give priority to—

(A) increasing the number of child care employees who are directly involved in providing child care for members of the Armed Forces; and

(B) expanding the availability of child care for members of the Armed Forces.

(b) Funds Derived From Parent Fees To Be Used for Employee Compensation and Other Child Care Services.—(1) Except as provided in paragraph (2), child care fee receipts may be used during fiscal year 1990 only for compensation of child care employees who are directly involved in providing child care.

(2) If the Secretary of Defense determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Secretary may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

(A) first, for the purchase of consumable or disposable items for military child development centers; and

(B) if the requirements of such centers for consumable or disposable items for fiscal year 1990 have been met, for other expenses of those centers.

(c) Report.—(1) Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in subsection (a), including how the Secretary intends to achieve the priorities specified in paragraph (3) of that subsection.

(2) If at the time such report is submitted the Secretary proposes to use the authority provided by subsection (b)(2), the Secretary shall include in the report under paragraph (1) a description of the use proposed to be made of that authority and a statement of the reasons why the Secretary determined that compliance with the limitation in subsection (b)(1) would result in an uneconomical and inefficient use of child care fee receipts, together with supporting cost information and other information justifying the determination.

(3) If the Secretary uses such authority after December 31, 1989, the Secretary shall promptly inform the committees of the use of the authority and of the reasons for its use.

SEC. 1503. CHILD CARE EMPLOYEES

Regulations.

(a) Required Training.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after that date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) Training and Curriculum Specialists.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

(2) The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

(c) Program To Test Competitive Rates of Pay.—(1) For the purpose of improving the capability of the Department of Defense to provide military child development centers with a qualified and stable civilian workforce, the Secretary of Defense shall conduct a program as provided in this subsection to increase the compensation of child care employees. The Secretary shall begin the program not later than six months after the date of the enactment of this Act. The program shall be in effect for a period of at least two years.

(2) The program shall apply to all child care employees who—

(A) are directly involved in providing child care; and

(B) are paid from nonappropriated funds.

(3) Under the program, child care employees at a military installation who are described in paragraph (2) shall be paid—

(A) in the case of entry-level employees, at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

(B) in the case of other employees, at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

(d) Employment Preference Test Program for Military Spouses.—(1) The Secretary of Defense shall conduct a test program under which qualified spouses of members of the Armed Forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(2) The test program under this subsection shall run concurrently with the program under subsection (c).

(e) Report on Compensation and Spouse Employment Preference Programs.—Not later than March 1, 1991, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs under subsections (c) and (d). The report shall include the findings of the Secretary concerning the effect of each of the programs on the quality of child care provided in military child development centers and the effect of the spouse employment preference program on employee turnover at such centers.

(f) Additional Child Care Positions.—(1) The Secretary of Defense shall make available for child care programs of the Department of Defense, not later than September 30, 1990, at least 1,000 competitive service positions in addition to the number of competitive service positions in such programs as of September 30, 1989. During fiscal year 1991, the Secretary shall make available to child care programs of the Department additional competitive service positions so that the number of competitive service positions in such programs as of September 30, 1991, is at least 3,700 greater than the number of competitive service positions in such programs as of September 30, 1989.

Reports.

(2) The Secretary may waive the increase otherwise required by the second sentence of paragraph (1) to the extent that the Secretary determines that such increase is not executable. If the Secretary issues such a waiver, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report on the waiver. Any such report shall specify the number of such positions waived and the reasons for the waiver.

(3) The additional positions provided for in paragraph (1), and the workyears associated with those positions, that are used outside the United States shall not be counted for purpose of applying any limitation on the total number of positions or workyears, respectively, available to the Department of Defense outside the United States (or any limitation on the availability of appropriated funds for such positions or workyears for any fiscal year).

(g) Competitive Service Position Defined.—For purposes of this section, the term "competitive service position" means a position in the competitive service, as defined in section 2102(a)(1) of title 5, United States Code.

SEC. 1504. PARENT FEES

Regulations.

The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

SEC. 1505. CHILD ABUSE PREVENTION AND SAFETY AT FACILITIES

Establishment.

(a) Child Abuse Task Force.—The Secretary of Defense shall establish and maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

Communications and telecommunications.

(b) National Hotline.—(1) The Secretary of Defense shall establish and maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

Effective date.

(2) The Secretary shall establish such national telephone number not later than 90 days after the date of the enactment of this Act and shall publicize the existence of the number.

Regulations.

(c) Assistance From Local Authorities.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

(d) Safety Regulations.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

(e) Inspections.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

(f) Remedies for Violations.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary

of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

Reports.

(3) If a military child development center is closed under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include—

(A) notice of the violation that resulted in the closing and the cost of remedying the violation; and

(B) a statement of the reasons why the violation has not been remedied as of the time of the report.

(g) Report on Cooperation With Department of Justice.—(1) The Secretary of Defense, in consultation with the Attorney General, shall study matters relating to military child care that are of concern to the Department of Justice. The matters studied shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse in military programs and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between the two departments.

(C) Making better use of government and non-government experts in child abuse investigations and prosecutions.

(D) Improving communication with affected families by the Department of Defense, the Department of Justice, and appropriate State and local agencies.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the matters studied.

(3) Not later than nine months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating the findings in the report submitted under paragraph (2).

Establishment.

SEC. 1506. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS

(a) Parent Boards.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b)

(b) Parent Participation Programs.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

SEC. 1507. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE

(a) Report Required.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1991 through 1995.

(b) Plan for Meeting Demand.—The report shall include—

(1) a plan for meeting the expected child care demand identified in the report; and

(2) an estimate of the cost of implementing that plan.

(c) Monitoring of Family Day Care Providers.—The report shall also include a description of methods for monitoring family home day care programs of the military departments.

SEC. 1508. SUBSIDIES FOR FAMILY HOME DAY CARE

The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the Armed Forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance. Regulations.

SEC. 1509. EARLY CHILDHOOD EDUCATION DEMONSTRATION PROGRAM

(a) Demonstration Program for Accredited Centers.—(1) The Secretary of Defense shall carry out a program to demonstrate the effect on the development of preschool children of requiring that military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body. To carry out such demonstration program, the Secretary shall ensure that not later than June 1, 1991, at least 50 military child development centers are accredited by such an appropriate national early childhood accrediting body.

(2) Each military child development center so accredited shall be designated as an early childhood education demonstration project and shall serve as a program model for other military child development centers and family home day care providers at military installations.

(b) Plan for Implementation.—Not later than April 1, 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan for carrying out the requirements of subsection (a).

(c) Evaluation.—The Secretary shall obtain an independent evaluation of the demonstration program carried out under subsection (a) to determine the extent to which the imposition of a requirement that military child development centers meet accreditation standards effectively promotes the development of preschool children of members of the Armed Forces. The Secretary shall report the results of the evaluation to Congress, together with such comments and recommendations as the Secretary considers appropriate, not later than July 15, 1992. Reports.

SEC. 1510. DEADLINE FOR REGULATIONS

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE XVI—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1601. TRANSFER AUTHORITY

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1990 between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1602. RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE

(a) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"§ 114a. Five-Year Defense Program: submission to Congress; consistency in budgeting

"(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget.

"(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

"(2) Amounts referred to in paragraph (1) are the following:

"(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

"(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

"(c) Nothing in this section shall be construed to prohibit the inclusion in the five-year defense program of amounts for management contingencies, subject to the requirements of subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

"114a. Five-Year Defense Program: submission to Congress; consistency in budgeting.".

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

SEC. 1603. LIMITATION ON RESTORATION OF WITHDRAWN UNOBLIGATED BALANCES

(a) CONDITIONS ON RESTORATION.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2782. Unobligated balances withdrawn from availability for obligation: limitations on restoration

"(a)(1) If a defense funds restoral to provide funds for a program, project, or activity to cover amounts required for late contract changes would cause the the total amount of such restorals during a fiscal year for late contract changes for that program, project or activity to exceed $4,000,000, the restoral action may only be carried out if—

"(A) the Secretary of the military department concerned, or the Secretary of Defense, with respect to a program, project, or activity administered by a Defense Agency, determines that such action is necessary to pay obligations and make adjustments under an existing contract; and

"(B) the action is approved by the Secretary of Defense (or an officer of the Department of Defense within the Office of the Secretary of Defense to whom the Secretary has delegated the authority to approve such an action).

"(2) A contract change shall be considered to be a late contract change for purposes of paragraph (1) if it is made after the end of the period of availability for obligation of the account to which funds are to be restored under the restoral action.

"(b) In a case in which any defense funds restoral to provide funds for a program, project, or activity of the Department of Defense would cause the total amount so restored during a fiscal year for that program, project or activity to exceed $25,000,000, the restoral action may not be taken until—

"(1) the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a notice in writing of the intent to restore such funds, together with a description of the legal basis for the proposed action and the policy reasons for the proposed action; and

"(2) a period of 30 days has elapsed after the notice is submitted.

"(c) In this section:

"(1) The term 'defense funds restoral' means a restoration of funds authorized by section 1552(a)(2) of title 31 to an appropriation account of the Department of Defense.

"(2) The term 'contract change' means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under a so-called 'escalation clause'.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2782. Unobligated balances withdrawn from availability for obligation: limitations on restoration.".

(b) REPORT ON STATUS OF AIR FORCE FUNDS IN TREASURY M ACCOUNT.—The Secretary of Defense shall submit to the congressional defense committees a report on the status of the availability of expired or lapsed funds of the Department of the Air Force in the Department of Treasury Account known as the "M Account". The report shall include an accounting of all funds for the B-1B aircraft program that have been transferred to that account and the amount of those funds that have been withdrawn or obligated from that account. The report shall be submitted concurrently with the submission to Congress of the budget for fiscal year 1991.

31 USC 1531 note.

SEC. 1604. PROHIBITION ON TRANSFER OF FUNDS TO OTHER DEPARTMENTS AND AGENCIES

Funds made available pursuant to this or any other Act for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after the date of the enactment of this Act unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the congressional defense committees a report describing the effect on military preparedness of making such funds available to such department or agency.

SEC. 1605. AUTHORITY TO TRANSFER FUNDS TO DEPARTMENT OF ENERGY

(a) TRANSFERS FOR ATOMIC ENERGY DEFENSE ACTIVITIES.—During fiscal year 1990, the Secretary of Defense may transfer to the Department of Energy, from funds appropriated to the Department of Defense, such sums (not to exceed $135,000,000) as the Secretary of Defense and the Secretary of Energy, with the approval of the President, determine are necessary for Atomic Energy Defense Activities. Funds so transferred shall be merged with, and shall be available for the same time period as, the appropriation account to which transferred.

(b) CONGRESSIONAL NOTICE-AND-WAIT.—A transfer may not be made under subsection (a) until—

(1) the Secretary of Defense notifies the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the proposed transfer and of the source of the funds for the proposed transfer; and

(2) a period of 30 days elapses after the notice is received by those committees.

SEC. 1606. ONE-YEAR DELAY IN ANY CHANGE IN POLICY RESPECTING REIMBURSEMENT OF DEPARTMENT OF DEFENSE FUNDS FOR SALARIES OF MEMBERS OF THE ARMED FORCES ASSIGNED TO DUTY IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAMS

(a) ONE-YEAR DELAY.—Charges for administrative services calculated under section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) in connection with the sale of defense articles or defense services may not exclude recovery of administrative expenses incurred by the Department of Defense before October 1, 1990, that are attributable to salaries of members of the Armed Forces if the recovery of such administrative expenses would have been allowed under the law in effect on September 30, 1989. Reimbursement of Department of Defense military personnel appropriation accounts for the value of services provided during fiscal year 1990 in connection with the sale of defense articles or defense services may not be denied or limited except to the extent permitted under the law in effect on September 30, 1989.

(b) STATUTORY CONSTRUCTION.—A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding this section unless that provision specifically refers to this section and specifically states that such provision of law modifies or supersedes this section.

SEC. 1607. REPAIR AND REPLACEMENT OF PROPERTY OF THE DEPARTMENT OF DEFENSE DAMAGED OR DESTROYED BY HURRICANE HUGO

(a) Subject to subsection (b), the Secretary of Defense may take such action as he considers necessary to repair damage to real property, facilities, equipment, and other property of the Department of Defense caused by hurricane Hugo in September 1989 or to replace any such property damaged beyond economical repair by that hurricane.

(b) The authority of the Secretary under subsection (a) is subject to the availability of appropriations that may be used for the purposes described in such subsection.

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1611. IDENTIFICATION AND HANDLING OF HAZARDOUS WASTES IN NAVAL SHIP REPAIR WORK

(a) REVISION OF REQUIRED CONTRACT PROVISIONS.—Section 7311 of title 10, United States Code, is amended to read as follows:

"§ 7311. Repair or maintenance of naval vessels: handling of hazardous waste

"(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

"(1) IDENTIFICATION OF HAZARDOUS WASTES.—A provision in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to enable the contractor to comply with Federal and State laws and regulations on the removal, handling, storage, transportation, or disposal of hazardous waste.

"(2) COMPENSATION.—A provision specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

"(3) STATEMENT OF WORK.—A provision specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (including the handling, storage, transportation, and disposal) of hazardous wastes.

"(4) ACCOUNTABILITY FOR HAZARDOUS WASTES.—(A) A provision specifying the following:

"(i) In any case in which the Navy is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the Navy pursuant to applicable law.

"(ii) In any case in which the contractor is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the contractor pursuant to applicable law.

"(iii) In any case in which both the Navy and the contractor are generators of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear both a generator identification number issued to the Navy and a generator identification number issued to the contractor pursuant to applicable law.

"(B) A determination under this paragraph of whether the Navy is a generator, a contractor is a generator, or both the Navy and a contractor are generators, shall be made in the same manner provided under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) and regulations promulgated under that subtitle.

"(b) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

"(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

"(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed.

"(c) REMOVAL OF WASTES.—The Secretary of the Navy shall remove known hazardous wastes from a vessel before the vessel's arrival at a contractor's facility for performance of a contract, to the extent such removal is feasible.

"(d) RELATIONSHIP TO SOLID WASTE DISPOSAL ACT.—Nothing in this section shall be construed as altering or otherwise affecting those provisions of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) that relate to generators of hazardous waste. For purposes of this section, any term used in this section for which a definition is provided by the Solid Waste Disposal Act (or regulations promulgated pursuant to such Act) has the meaning provided by that Act or regulations.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

10 USC 7311 note.

SEC. 1612. PROGRESS PAYMENTS UNDER NAVAL VESSEL REPAIR CONTRACTS

Section 7312 of title 10, United States Code, is amended—

(1) by striking out "90 percent" and "85 percent" in subsection (a) and inserting in lieu thereof "95 percent" and "90 percent", respectively; and

(2) by striking out "(other than a nuclear-powered vessel) for work required to be performed in one year or less" in subsection (b).

SEC. 1613. FUNDING FOR SHIP PRODUCTION ENGINEERING

10 USC 7291 note.

(a) Category for Funding.—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

(b) Applicability.—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.

SEC. 1614. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED IN JAPAN

(a) Requirement That Certain Work Be Performed in United States.—The Secretary of the Navy shall require that, to the extent feasible and consistent with policies of the Navy regarding family separations, not less than one-half of the depot-level maintenace work described in subsection (b) (measured in cost) shall be carried out in shipyards in the United States (including the territories of the United States).

10 USC 7291 note.

(b) Work Covered.—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1989, to be carried out in Japan during fiscal years 1990, 1991, and 1992.

(c) Conforming Repeal.—Section 1226 of Public Law 100-456 (102 Stat. 2055) is repealed.

10 USC 7291 note.

SEC. 1615. REPORT ON ALTERNATIVES TO NAVY OXYGEN BREATHING APPARATUS FOR SHIPBOARD FIREFIGHTING

(a) Study.—The Secretary of the Navy shall evaluate alternatives to the Oxygen Breathing Apparatus (OBA) of the Navy used in shipboard firefighting. The evaluation shall include consideration of—

(1) firefighting breathing devices which are used by other government agencies;

(2) firefighting breathing devices which are commercially available; and

(3) undeveloped technologies which could lead to the development of a more effective breathing device for shipboard firefighting.

(b) CRITERIA.—In performing the evaluation under subsection (a), the Secretary shall consider the following criteria for firefighting breathing devices:

(1) Uninterrupted breathing duration.

(2) Adaptability to shipboard space limitations.

(3) Portability in use.

(4) Training requirements for effective use.

(5) Cost.

(6) Availability.

(c) REPORT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under subsection (a). The report shall include an acquisition plan for providing an improved breathing apparatus for shipboard firefighting as soon as possible. In preparing that plan, the Secretary shall consider the use of any available expedited research and development and acquisition procedures.

(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1616. STRIPPING OF NAVAL VESSELS TO BE USED FOR EXPERIMENTAL PURPOSES

Section 7306 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of the Navy,"; and

(2) by adding at the end the following:

"(b)(1) Before using any vessel for an experimental purpose pursuant to this section, the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as a result of stripping of vessels pursuant to this subsection shall be credited to applicable appropriations available for the procurement of scrapping services under this subsection, to the extent necessary for the procurement of those services. Amounts received which are in excess of amounts necessary for procuring those services shall be deposited into the general fund of the Treasury.

"(3) In providing for stripping of a vessel pursuant to this subsection, the Secretary shall ensure that such stripping does not destroy or diminish the structural integrity of the vessel.".

PART C—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1621. TECHNICAL AMENDMENTS TO CONFORM REFERENCES TO CREATION OF DEPARTMENT OF VETERANS AFFAIRS

(a) TITLE 10 UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The following sections are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs": sections 176(a)(3), 772(g), 1174(h)(2), 1201(3)(B), 1203(4)(A), 1203(4)(B), 1203(4)(C), 1204(4)(B), 1206(4), 1209, 1210(c), 1210(d), 1210(e), 1212(c), 1218(a)(1), 1431(b)(1), 1433 (in two places), 1441, 1449, 1450(h), 1452(g)(1), 1452(g)(5), 1476(b), 2641(a), 2641(b)(1) (in two places), 2641(d)(2), 4342(a)(1), 4621(d),

4683(a)(1), 4713(c), 6954(a)(1), 7603, 9342(a)(1), 9621(d), and 9713(c).

(2) The following sections are amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs": sections 1074(b), 1216(c), 1476(a)(2), 1477(b)(5)(C), 1480(b), 1480(c), 1552(e), 1553(a), 1553(c), 1554(c), 2006(d), 2641(b) (in two places), and 6160(b).

(3) Section 1086(g) is amended by striking out "Veterans' Administration facilities" and inserting in lieu thereof "facilities of the Department of Veterans Affairs".

(4) Sections 1168(b) and 1218(c) are amended by striking out "Veterans' Administration facility" and inserting in lieu thereof "facility of the Department of Veterans Affairs".

(5) Section 1480(c) is amended by striking out "the Secretary or the Administrator" and inserting in lieu thereof "the Secretary concerned or the Secretary of Veterans Affairs".

(6) Section 2006(d) is amended by striking out "the Administrator" in the second sentence and inserting in lieu thereof "the Secretary of Veterans Affairs".

(7)(A) The heading of section 2185 is amended to read as follows:

"§ 2185. Programs to be consistent with programs administered by the Department of Veterans Affairs".

(B) The item relating to such section in the table of sections at the beginning of chapter 110 is amended to read as follows:

"2185. Programs to be consistent with programs the Department of Veterans Affairs.".

(8) Section 2641(b)(1) is amended by striking out "the Administrator requests" and inserting in lieu thereof "the Secretary of Veterans Affairs requests".

(9) Section 2679 is amended—

- (A) in subsection (a)—
  - (i) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";
  - (ii) by inserting "concerned" after "Secretary" the second and third places it appears; and
  - (iii) by striking out "the Administrator," and inserting in lieu thereof "the Secretary of Veterans Affairs," and
- (B) in subsection (c), by striking out "the Administrator" and inserting in lieu thereof "the Secretary of Veterans Affairs".

(10) The text of each of sections 3446 and 8446 is amended to read as follows:

"The President may retain on active duty a disabled officer until—

"(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

"(2) the officer is processed for physical disability benefits as provided by law.".

(b) TITLE 37 UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 602(b)(5) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 603 is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

SEC. 1622. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) Correction of Duplicate Section Numbers.—The second section 7313 of title 10, United States Code (enacted by section 1225 of Public Law 100-456), is redesignated as section 7314, and the item relating to that section in the table of sections at the beginning of chapter 633 of such title is revised to reflect that redesignation.

(b) Transfer and Redesignation of Section.—(1) Section 975 of title 10, United States Code, is transferred to chapter 141, inserted after section 2389, and redesignated as section 2390.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2389 the following new item:

"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense.".

(3) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 975.

(c) Punctuation and Capitalization Corrections.—Title 10, United States Code, is further amended as follows:

(1) Section 113(j)(2)(B) is amended by striking out "Five-Year Defense Program" and inserting in lieu thereof "five-year defense program".

(2) The item relating to section 421 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"421. Funds for foreign cryptologic support.".

(3) Section 421(c) is amended—

(A) by inserting "of Representatives" after "of the House"; and

(B) by striking out "National Security Act of 1947, as amended, and funds" and inserting in lieu thereof "National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds".

(4) Section 1482(e) is amended by striking out "chapter 10, title 37" and inserting in lieu thereof "chapter 10 of title 37".

(5) Section 2325(d) is amended by striking out "previously-developed" and inserting in lieu thereof "previously developed".

(6) Subparagraph (D) of section 2326(g)(1) is amended by striking out "(D) Congressionally-mandated" and inserting in lieu thereof "(D) Congressionally mandated".

(7) Sections 2463(b) and 2464(b)(3)(A) are amended by striking out "Committee on Appropriations" and inserting in lieu thereof "Committees on Appropriations".

(8) Section 7309(a) is amended by inserting a comma after "armed forces".

(d) Revision to Part Heading.—

(1) The heading of part III of subtitle A of title 10, United States Code, is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(2) The item relating to that part in the table of chapters at the beginning of subtitle A of that title is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(e) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A) 'Operational'" and inserting in lieu thereof "(A) The term 'operational' "; and

(B) by striking out "(B) 'Major' " and inserting in lieu thereof "(B) The term 'major'".

(2) Section 1032(d) is amended—

(A) by striking out "(1) 'Dependent" and inserting in lieu thereof "(1) The term 'dependent"; and

(B) by inserting "The term" after "(2)".

(3) Section 1094(d) is amended—

(A) by striking out "(1) 'License" and inserting in lieu thereof "(1) The term 'license"; and

(B) by striking out "(2) 'Health-care" and inserting in lieu thereof "(2) The term 'health-care".

(4) Section 1586(g) is amended—

(A) by striking out "For the purposes of this section—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

(5) Sections 1095(g), 4348(d), and 9348(d) are amended by inserting "the term" after "In this section,".

(6) Section 1408(a) is amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each paragraph so that the initial letter of that word is lower case.

(7) Section 1461(b) is amended by inserting "the term" after "In this chapter,".

(8) Sections 5441, 6964(a), and 7081(a) are amended by inserting ", the term" after "In this chapter".

(f) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is further amended as follows:

(1) Section 2575(a) is amended by striking out "of this section" in the first sentence.

(2) Section 7422(c)(2)(B) is amended by striking out "one hundred eighty days prior to" and inserting in lieu thereof "180 days before".

(g) DATE OF ENACTMENT REFERENCE.—Section 6334(a) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 4, 1987".

(h) OBSOLETE PROVISIONS.—(1) Section 194 of title 10, United States Code, is amended by striking out "After September 30, 1989, the" in subsections (a) and (b) and inserting in lieu thereof "The".

(2) Section 601 of Public Law 99-433 (10 U.S.C. 194 note) is amended by striking out "Effective on October 1, 1988, the" in subsection (a)(1) and inserting in lieu thereof "The".

SEC. 1623. AMENDMENTS TO SECTION 8125 OF PUBLIC LAW 100-463

Section 8125 of Public Law 100-463 (10 U.S.C. 113 note; 102 Stat. 2270-41) is amended as follows:

(1) Subsection (c) is amended—

(A) by striking out "incude" and inserting in lieu thereof "include";

(B) by inserting a comma after "burdensharing";

(C) by striking out "assistance costs: *Provided*, That the" and inserting in lieu thereof "assistance costs. The"; and

(D) by striking out "Department of" and inserting in lieu thereof "Secretaries of".

(2) Subsection (d) is amended—

(A) by striking out "in the budgets" and inserting in lieu thereof "in each budget";

(B) by striking out "for fiscal years after fiscal year 1989" and inserting in lieu thereof "(1)"; and

(C) by inserting "(2)" after "military units, and".

(3) Subsection (f) is amended—

(A) in the first sentence, by striking out "after fiscal year 1989"; and

(B) in the second sentence—

(i) by striking out "provided for" and inserting in lieu thereof "in";

(ii) by inserting "(1)" after "if and when"; and

(iii) by inserting "(2)" after "that nation, and".

(4) Subsection (g) is amended—

(A) by striking out "Department of Defense" before "budget submissions" in paragraph (1);

(B) by striking out "1989, and shall detail: (A) a description of" in paragraph (1) and inserting in lieu thereof "1989 and shall set forth a detailed descripton of (A)";

(C) by striking out "the House and Senate" in paragraph (2) and inserting in lieu thereof "the Senate and House of Representatives,"; and

(D) by inserting "outside the United States" in paragraph (2) after "duty stations ashore".

SEC. 1624. REPORT ON RECURRING PROVISIONS OF DEFENSE APPROPRIATIONS ACT

(a) REPORT.—Not later than April 1, 1990, the Secretary of Defense shall submit to the defense committees of Congress a report on recurring provisions of law enacted in the General Provisions title of the Department of Defense Appropriations Act, 1990.

(b) MATTERS TO BE INCLUDED.—With respect to each provision covered by the report, the report shall indicate the following:

(1) When the provision (or a substantially similar provision) was first included in an annual Department of Defense Appropriations Act.

(2) The original policy reason (as nearly as the Secretary can determine) for the inclusion of such a provision.

(3) The Secretary's assessment as to whether that reason still pertains and whether there are additional policy reasons for the

continuing inclusion of the provision in annual Acts making appropriations for the Department of Defense.

(4) The Secretary's recommendation as to whether the policy of that provision should continue to be provided by law and, if the recommendation is that the policy should not continue to be provided by law, a detailed statement of the reasons for such recommendation.

(5) In the case of each provision which the Secretary recommends under paragraph (4) should continue to be provided by law, the recommendation of the Secretary as to whether such provision should continue to be included in annual Acts making appropriations for the Department of Defense or whether it would be desirable for Congress to enact such provision as permanent law and, if the recommendation is that the policy should not be enacted as permanent law, a detailed statement of the reasons for such recommendation.

(c) Draft of Proposed Legislation.—The report shall include a draft of proposed legislation for the codification into title 10, United States Code, or other appropriate statutes of those provisions covered by the report which the Secretary recommends (under subsection (b)(5)) would be desirable for Congress to enact as permanent law.

(d) Update of Earlier Report.—The report shall be an update of the report submitted by the General Counsel of the Department of Defense pursuant to section 1267 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 705).

(e) Definitions.—For purposes of this section:

(1) The term "defense committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "recurring provision" means a provision of an appropriatons Act which (1) is not permanent law, and (2) has been enacted in substantially the same form in previous Acts making appropriations for the same purpose.

Part D—Miscellaneous

SEC. 1631. STUDY OF PROTECTION OF UNITED STATES CIVIL AVIATION FROM TERRORIST ACTIVITIES OVERSEAS

(a) Study.—The Secretary of Defense shall conduct a study on the feasibility and desirability of the United States, at the request of a foreign government, deploying military personnel or providing military equipment in areas under the jurisdiction of that government to assist that government in the protection of United States civil aviation interests from terrorist activity. The study should also undertake to determine what programs of the Department of Defense (1) have application to enhancing civil aviation security, and (2) could be quickly adopted by the Federal Aviation Administration for that purpose.

(b) Research and Development Matters To Be Studied.—The study shall include a review of United States Government programs concerning research and development in areas relating to explosives detection, terrorist identification, and anti-terrorist operations.

(c) Interagency Coordination.—The study shall be conducted in consultation with the Secretary of State and the Administrator of the Federal Aviation Administration.

(d) SUBMISSION OF REPORT.—The Secretary shall submit to Congress a report on the study (including the Secretary's findings, conclusions, and recommendations) within six months after the date of enactment of this Act.

SEC. 1632. DEDICATION OF CORRIDOR IN PENTAGON TO SERVICE MEMBERS WHO SERVED IN SPACE-RELATED ACTIVITIES

It is the sense of Congress that the Secretary of Defense should dedicate an appropriate corridor in the Pentagon building to commemorate the service of the members of the Armed Forces who have served in space-related activities, including service with the National Aeronautics and Space Administration, the United States Space Command, and the Strategic Defense Initiative Organization.

SEC. 1633. DELEGATION AUTHORITY WITH RESPECT TO ADMIRALTY CLAIMS BY OR AGAINST THE UNITED STATES

Sections 4802(c), 4803(c), 7622(c), 7623(c), 9802(c), and 9803(c) of title 10, United States Code, are each amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 1634. AUTHORITY TO ACCEPT VOLUNTARY SERVICES FOR NATURAL RESOURCES PROGRAMS

Section 1588(a) of title 10, United States Code, is amended by striking out "a museum" and inserting in lieu thereof "a museum, a natural resources program,".

SEC. 1635. FINDINGS AND CONGRESSIONAL DECLARATIONS CONCERNING SERVICE IN THE NATIONAL GUARD AND RESERVES

(a) FINDINGS.—Congress makes the following findings:

(1) Citizens and nationals of the United States have taken up arms to defend their homes and communities, and to secure and preserve the independence of the United States, from the earliest days of the Nation.

(2) The concept of the citizen-soldier has been a keystone of the defense strategy of the Nation.

(3) Members of the National Guard and Reserves have served proudly and honorably in every war or conflict involving United States Armed Forces.

(4) The Total Force Policy of the United States, by placing significant portions of wartime mission capability and selected day-to-day operations in the National Guard and Reserve, has reinforced the proposition that the Guard and Reserve are essential elements of the national defense establishment of the United States.

(5) During the 1980's, Congress and the Department of Defense have demonstrated their increasing reliance and confidence in the National Guard and Reserve by expanding missions, increasing training requirements, and providing new state-of-the-art weapons and support equipment.

(6) The National Guard and Reserve represent a very cost-effective arm of the Total Force, preserving combat capability and retaining valuable trained human resources, especially during periods of austere defense budgets.

(7) Participation by citizens in the National Guard and Reserve enhances the military readiness of the United States and demonstrates the resolve of the citizenry to protect and preserve American values.

(8) Participation in the National Guard and Reserve improves the economy by providing individuals with job skills and education.

(b) CONGRESSIONAL DECLARATIONS.—In light of the findings in subsection (a), Congress—

(1) reaffirms that service in the National Guard and Reserve is in the highest traditions of military service to the country and acknowledges the valuable contribution that the men and women who serve in the National Guard and Reserve are making to their country;

(2) encourages Guard and Reserve participation by all elements of American society; and

(3) continues to support reliance on the National Guard and Reserve as full partners in the Total Force.

SEC. 1636. EXPANSION OF SCOPE OF CIVIL RESERVE AIR FLEET ENHANCEMENT PROGRAM

(a) DEFINITIONS.—(1) Paragraph (2) of section 9511 of title 10, United States Code, is amended to read as follows:

"(2) The term 'passenger-cargo combined aircraft' means a civil aircraft equipped so that its main deck can be used to carry both passengers and property (including mail) simultaneously.".

(2) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'cargo-convertible aircraft' means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.".

(3) Paragraph (8) of such section is amended by striking out "a civil aircraft" in clause (A) and all that follows through "defense purposes" and inserting in lieu thereof "a new or existing aircraft and who contracts with the Secretary to modify that aircraft by including or incorporating specified defense features".

(4) Such section is further amended by adding at the end the following new paragraph:

"(12) The term 'defense feature' means equipment or design features included or incorporated in a civil aircraft which ensures the interoperability of such aircraft with the Department of Defense airlift system. Such term includes any equipment or design feature which enables such aircraft to be readily modified for use as a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft.".

(b) CONTRACT AUTHORITY.—Section 9512 of such title is amended to read as follows:

"§ 9512. Contracts for the inclusion or incorporation of defense features

Aircraft and air carriers.

"(a) Subject to the provisions of chapter 137 of this title, and to the extent that funds are otherwise available for obligation, the Secretary—

"(1) may contract with any citizen of the United States for the inclusion or incorporation of defense features in any new or existing aircraft to be owned or controlled by that citizen; and

"(2) may contract with United States aircraft manufacturers for the inclusion or incorporation of defense features in new aircraft to be operated by a United States air carrier.

"(b) Each contract entered into under subsection (a) shall include the terms required by section 9513 of this title and a provision that requires the contractor to repay to the United States a percentage (to be established in the contract) of any amount paid by the United States to the contractor under the contract with respect to any aircraft if—

"(1) the aircraft is destroyed or becomes unusable, as defined in the contract;

"(2) the defense features specified in the contract are rendered unusable or are removed from the aircraft;

"(3) control over the aircraft is transferred to any person that is unable or unwilling to assume the contractor's obligations under the contract; or

"(4) the registration of the aircraft under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401) is terminated for any reason not beyond the control of the contractor.

"(c)(1) A contract under subsection (a) for the inclusion or incorporation of defense features in an aircraft may include a provision authorizing the Secretary—

"(A) to contract, with the concurrence of the contractor, directly with another person for the performance of the work necessary for the inclusion or incorporation of defense features in such aircraft; and

"(B) to pay such other person directly for such work.

"(2) A contract entered into pursuant to paragraph (1) may include such specifications for work and equipment as the Secretary considers necessary to meet the needs of the United States.".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 9513 is amended to read as follows:

"§ 9513. Commitment of aircraft to the Civil Reserve Air Fleet"

(2) The items relating to sections 9512 and 9513 in the table of sections at the beginning of chapter 931 of title 10, United States Code, are amended to read as follows:

"9512. Contracts for the inclusion or incorporation of defense features.
"9513. Commitment of aircraft to the Civil Reserve Air Fleet.".

SEC. 1637. REPORT ON CERTAIN PERSONS PARTICIPATING IN RADIATION-RISK ACTIVITIES

(a) REPORT.—The Secretary of Defense shall prepare, in consultation with the Secretary of Veterans Affairs, a report identifying the number of persons who, while serving on active-duty for training, inactive-duty training, or as a military technician of the National Guard, participated in a radiation-risk activity, but are not covered under section 312(c) of title 38, United States Code (as added by the Radiation-Exposed Veterans Compensation Act of 1988; Public Law 100-321). For purposes of the report, the term "radiation-risk activity" has the meaning given that term by section 312(c)(4) of such title.

(b) DEADLINE.—The report required by subsection (a) shall be submitted to Congress not later than February 15, 1990.

SEC. 1638. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING KIDNAPPING AND MURDER OF LIEUTENANT COLONEL HIGGINS

(a) FINDINGS.—Congress makes the following findings:

(1) The radical, Lebanese-based terrorist organization which calls itself the "Organization of the Oppressed of the Earth" announced on July 31, 1989, that it had executed Lieutenant

Colonel William R. Higgins, a United States Marine assigned for service with the United Nations in the U.N. Truce Supervision Organization (UNTSO), who was kidnapped in southern Lebanon on February 17, 1988.

(2) That organization claimed to have executed Lieutenant Colonel Higgins in response to the capture on July 28, 1989, by Israeli commandos of a radical Muslim Shiite leader, Sheik Abdul Karim Obeid, believed to be associated with that organization.

Abdul Karim Obeid.

(3) That organization released to certain news agencies a videotape showing Lieutenant Colonel Higgins killed by hanging, though many forensic experts believe the videotape indicates that the person shown did not die from hanging.

(4) The kidnapping of Lieutenant Colonel Higgins, who was engaged only in carrying out the legitimate United Nations peacekeeping activities to which he had been assigned, was wholly unjustified.

(5) It is absolutely clear that the kidnapping and the murder of Lieutenant Colonel Higgins were outrageous acts of terrorism that deserve the condemnation of all civilized people.

(6) There is strong evidence that the Government of Iran has supported the organization responsible for Lieutenant Colonel Higgins' kidnapping and murder, as well as other terrorist and extremist forces inside Lebanon and throughout the Middle East.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress is outraged by the kidnapping and murder of Lieutenant Colonel Higgins and condemns those actions as barbaric, cowardly, and utterly incompatible with the standards of conduct upheld by civilized people;

(2) the President should use all available resources of the United States Government, including diplomatic and intelligence channels, to determine the identity of those persons responsible for the kidnapping and murder and the details regarding those terrorist acts;

(3) the President should determine whether it would be possible to identify and bring to justice, or to retaliate against, those persons responsible for the kidnapping and murder in a manner consistent with United States and international legal requirements that would reduce the risk to Americans from terrorism;

(4) the President should take strong and decisive action, possibly including the use of military force, to prevent or respond to acts of international terrorism. Such actions should be taken in concert with other nations where practicable, but the President should be prepared to act unilaterally, if necessary;

(5) the United States should make clear to the new leadership in Iran (A) that the United States will not tolerate a continuation of past policies of support of groups which undertake terrorist actions against American citizens or direct assaults on American vital interests in the Middle East or elsewhere, and (B) that if such support should continue, the United States will hold the authorities in Iran accountable for that support and act accordingly;

(6) the Secretary General of the United Nations should take all necessary steps to help ensure that the body of Lieutenant Colonel Higgins is returned to his country and family and that

those responsible for his kidnapping and murder are immediately brought to justice;

(7) the President should engage in urgent and continuing diplomatic contacts with all other governments concerning their policies and actions which might have relevance to the interests of the United States Government or increase the vulnerability of the United States citizens to attacks by terrorists; and

(8) the President should continue to consult with other nations to ensure international cooperation and coordination to end terrorist attacks.

SEC. 1639. REPORTS ON CONTROLS ON TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS TO OTHER NATIONS

(a) Requirement for Submission of Previously Required Report.—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135) is amended by striking out "February 1, 1988" and inserting in lieu thereof "60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 1990".

(b) Report on Manpower Required To Implement Export Controls on Certain Weapons Transfers.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to Congress a report relating to Department of Defense manpower required to implement export controls on certain weapons transfers. In the report, the Secretary shall—

(A) identify the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describe the number and skills of personnel currently available in the Department of Defense to perform such role; and

(C) assess the adequacy of the level of personnel resources described in subparagraph (B) for the effective performance of such role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel, and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technology security operations.

(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

(c) Report on Missile Technology Control Regime Enforcement.—(1) The Secretary of Defense shall include in the report under subsection (b) information concerning the Missile Technology Control Regime (MTCR). In the report, the Secretary shall review the existing regulations covering the issues addressed by the MTCR and shall assess whether those regulations—

(A) appropriately cover each item listed in the MTCR annex; and

(B) sufficiently stress consideration of ultimate end use of an item as a factor in issuance of export licenses with respect to that item.

(2) In the report, the Secretary shall also assess whether, in the case of a request for an export license involving a country that is considered to be a suspect country for purposes of the regime, or involving a commodity that is considered to be a suspect commodity for purposes of the regime, sufficient information on that request is brought to the attention of the Department of Defense before such a license is issued and, if not, what measures could be taken to improve Department of Defense oversight of the issuance of export licenses in such cases.

(3) In the report, the Secretary may also address whatever other initiatives for the enforcement of the regime the Secretary considers would help strengthen the regime.

SEC. 1640. REVIEWS AND REPORTS ON DECONTROL OF CERTAIN PERSONAL COMPUTERS

(a) Reviews.—The Secretary of Defense and the Secretary of Commerce shall each conduct an independent review on the foreign availability of the personal computers known as AT-compatible microcomputers. Each Secretary, in conducting his review, shall, at a minimum, determine the availability of such microcomputers from sources other than member nations of the Coordinating Committee for Multilateral Export Controls or other nations that control the export of such computers. The Secretary of Defense, in conducting his review, also shall assess the military significance of such microcomputers for the Soviet Union and its Warsaw Pact allies.

(b) Reports.—The Secretary of Defense and the Secretary of Commerce shall each submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the respective reviews required by subsection (a).

(c) Deadline for Reports.—The reports required by subsection (b) shall be submitted not later than January 1, 1990.

SEC. 1641. ANNUAL DEPARTMENT OF DEFENSE CONVENTIONAL STANDOFF WEAPONS MASTER PLAN AND REPORT ON STANDOFF MUNITIONS

(a) Annual Submission of Master Plan for Joint Standoff Weapons.—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a plan (known as a "Department of Defense Conventional Standoff Weapons Master Plan") for the development of standoff weapons which can adequately address the needs of more than one of the Armed Forces. Each such report shall include a description of all technology

10 USC 2431 note.

Science and technology.

base projects that could contribute to the fielding of standoff weapons.

(b) UNIFIED COMMANDERS REPORTS ON STANDOFF MUNITIONS.—(1) In the first report under subsection (a) submitted after the enactment of this Act, the Secretary of Defense shall include the reports of the unified commanders submitted to the Secretary pursuant to paragraph (2).

(2) The Secretary shall require the commander of each unified combatant command to submit to the Secretary a report on the results of the study conducted by the commander pursuant to subsection (c). Such reports shall be submitted to the Secretary at such time as specified by the Secretary so that they may be included in the report of the Secretary referred to in paragraph (1).

(c) STUDY OF STANDOFF MUNITIONS BY COMMANDERS OF UNIFIED COMBATANT COMMANDS.—The Secretary of Defense shall require the commander of each unified combatant command to conduct a study of the status of forces assigned to his command in terms of the standoff munitions available to those forces and the survivability of the launching platforms in the absence of standoff munitions. Each such study shall include the following:

(1) The commander's evaluation of the threat posed to combat aircraft under his command by potential enemy forces in his region of responsibility and the extent to which those aircraft are vulnerable to attack.

(2) The commander's evaluation of the current capabilities of those aircraft that are programmed to be assigned to the commander in the event of conflict in his region of responsibility to carry out standoff attacks.

(3) The commander's evaluation of the adequacy of the inventories of munitions in general, and of standoff munitions in particular, in the component forces that would be assigned to the commander in time of war.

(4) The commander's evaluation of the extent to which the survivability of combat aircraft is threatened by the absence of standoff munitions and a statement of the priority which the commander would give to providing standoff munitions for such aircraft to improve their survivability.

(5) Identification of those standoff munitions programs the commander considers most promising for the improvement of the survivability of combat aircraft.

Military Construction Authorization Act for Fiscal Years 1990 and 1991.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act for Fiscal Years 1990 and 1991".

TITLE XXI—ARMY

PART A—FISCAL YEAR 1990

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $2,300,000.
Fort McClellan, $2,750,000.
Redstone Arsenal, $18,390,000.
Fort Rucker, $3,600,000.

ALASKA

Fort Richardson, $3,350,000.
Fort Wainwright, $14,800,000.

ARIZONA

Fort Huachuca, $9,900,000.
Yuma Proving Ground, $11,400,000.

CALIFORNIA

Fort Irwin, $4,950,000.
Fort Ord, $2,450,000.
Sacramento Army Depot, $3,900,000.

COLORADO

Fitzsimons Army Medical Center, $2,100,000.
Fort Carson, $4,700,000.

DISTRICT OF COLUMBIA

Walter Reed Army Medical Center, $11,000,000.

FLORIDA

Key West Naval Air Station, $6,100,000.

GEORGIA

Fort Benning, $12,146,000.
Fort Gordon, $4,000,000.
Fort Stewart, $5,200,000.

HAWAII

Fort Shafter, $9,300,000.
Schofield Barracks, $10,000,000.

ILLINOIS

Melvin Price Support Center, $3,750,000.
Savanna Army Depot, $850,000.

INDIANA

Fort Benjamin Harrison, $359,000.

KANSAS

Fort Leavenworth, $3,000,000.
Fort Riley, $12,680,000.

KENTUCKY

Fort Campbell, $30,450,000.
Fort Knox, $13,400,000.

LOUISIANA

Fort Polk, $23,350,000.

MARYLAND

Aberdeen Proving Ground, $1,700,000.
Fort Detrick, $1,300,000.
Fort Meade, $6,200,000.
Fort Ritchie, $630,000.

MASSACHUSETTS

Fort Devens, $3,550,000.

MISSOURI

Fort Leonard Wood, $10,450,000.

NEW JERSEY

Fort Monmouth, $8,600,000.
Picatinny Arsenal, $11,800,000.

NEW YORK

Fort Drum, $70,600,000.

NORTH CAROLINA

Fort Bragg, $65,300,000.

OKLAHOMA

Fort Sill, $13,170,000.
McAlester Army Ammunition Plant, $2,200,000.

PENNSYLVANIA

New Cumberland Army Depot, $14,000,000.

SOUTH CAROLINA

Fort Jackson, $23,000,000.

TEXAS

Corpus Christi Army Depot, $5,200,000.
Fort Bliss, $16,600,000.
Fort Hood, $21,400,000.

UTAH

Dugway Proving Ground, $2,400,000.

VIRGINIA

Fort Belvoir, $23,000,000.
Fort Lee, $10,050,000.
Fort Monroe, $1,100,000.
Fort Story, $3,350,000.

WASHINGTON

Fort Lewis, $770,000.

VARIOUS LOCATIONS

Classified Location, $3,400,000.
Classified Location, $600,000.
Classified Location, $3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, $2,900,000.
Augsburg, $600,000.
Grafenwoehr, $6,500,000.
Hanau, $14,800,000.
Hohenfels, $4,950,000.
Mainz, $26,400,000.
Stuttgart, $9,400,000.
Wuerzburg, $12,000,000.
Various locations, $4,150,000.

KOREA

H-220 Heliport, $4,050,000.

KWAJALEIN ATOLL

Kwajalein, $9,500,000.

PUERTO RICO

Fort Buchanan, $690,000.

TURKEY

Location 276, $1,950,000.

CLASSIFIED LOCATIONS

Classified locations, $6,100,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section

2104(a)(6)(A), at the following installations and locations in the number of units, and in the amounts, shown for each installation:

Fort Rucker, Alabama, two units, $400,000.

Helemano, Hawaii, ninety units, $10,322,000.

Hickam Air Force Base, Hawaii, twenty units, $2,500,000.

Kaneohe, Hawaii, forty units, $4,700,000.

Hawaii, various locations, one hundred and eighty units, $18,000,000.

Fort Lee, Virginia, one unit, $210,000.

(b) Planning and Design.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $1,349,000.

(c) Waiver of Space Limitations.—(1) The family housing units authorized by subsection (a) to be constructed at Fort Rucker, Alabama, and at Fort Lee, Virginia, shall be constructed for assignment to general officers, who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense), and notwithstanding section 2826 of title 10, United States Code, the units may be constructed with the net floor area of not more than 3,000 square feet.

(2) For the purpose of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) In General.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing in an amount not to exceed $36,329,000.

(b) Waiver of Maximum Per Unit Cost for Certain Improvement Projects.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may—

(1) carry out projects to improve existing military family housing units, in the number of units shown and in the amount shown, at—

(A) Fort Leavenworth, Kansas, one unit, $95,900, of which $86,900 is for concurrent repairs; and

(B) Fort Monmouth, New Jersey, one hundred and twenty-four units, $6,500,000; and

(2) carry out projects to improve four units at Fort Sill, Oklahoma, the improvement of which was authorized by the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), in the amount of $178,088.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,239,165,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $554,445,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $103,990,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United Sates Code, $74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $73,810,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,377,400,000, of which not more than $319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain available until expended.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) Extension of Authorization of Certain Fiscal Year 1985 Projects.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1514), authorization for the following projects authorized in section 101 of that Act, as extended by section 2107(b) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4020), section 2105(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1184), and section 2106(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2092) shall remain in effect until October 1, 1990, or the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(b) Extension of Authorization of Certain Fiscal Year 1986 Projects.—Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 981), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 99-180; 101 Stat. 1185) and section 2106(b) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2092), shall remain in effect until October 1, 1990, or the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, six units, in the amount of $596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(c) Extension of Authorization of Certain Fiscal Year 1987 Projects.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act, as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2092), shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Aircraft maintenance hangar in the amount of $7,100,000 at Hanau, Germany.

(2) Family housing, new construction, forty units in the amount of $4,100,000 at Crailsheim, Germany.

(d) Extension of Authorization of Certain Fiscal Year 1988 Projects.—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Child development center in the amount of $1,050,000 at Rheinberg, Germany.

(2) Training exercise facility in the amount of $5,900,000 at Einsiedlerhof, Germany.

(3) Operations building modifications in the amount of $5,400,000 at Stuttgart, Germany.

(4) Hardstand/tactical equipment shop in the amount of $2,250,000 at Wiesbaden, Germany.

(5) Family housing, new construction, twenty-five units, in the amount of $2,200,000 at Fort A.P. Hill, Virginia.

(6) Family housing, new construction, one hundred six units, in the amount of $11,200,000 at Bamberg, Germany.

(7) Family housing, new construction, one hundred fifty-two units, in the amount of $12,600,000 at Baumholder, Germany.

(8) Troop support facility upgrade in the amount of $4,150,000 in Honduras.

(9) Wartime host nation support in the amount of $4,500,000, in Europe, various locations.

Part B—Fiscal Year 1991

SEC. 2121. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $34,300,000.

ARKANSAS

Pine Bluff Arsenal, $17,100,000.

OREGON

Umatilla Depot Activity, $45,500,000.

SEC. 2122. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,803,180,000 as follows:

(1) For military construction projects inside the United States authorized by section 2121, $96,900,000.

(2) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), $39,000,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $96,530,000.

(5) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,558,750,000, of which not more than $453,884,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1).

TITLE XXII—NAVY

Part A—Fiscal Year 1990

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) Inside the United States.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Mobile, Navy Station, $3,965,000.

ALASKA

Adak, Naval Air Station, $18,870,000.

ARIZONA

Yuma, Marine Corps Air Station, $900,000.

CALIFORNIA

Camp Pendleton, Marine Corps Air Station, $2,100,000.
Camp Pendleton, Marine Corps Base, $57,600,000.
China Lake, Naval Weapons Center, $17,500,000.
Concord, Naval Weapons Station, $5,640,000.
Coronado, Naval Amphibious Base, $7,770,000.
Coronado, Surface Warfare Officers School Command Detachment, $4,360,000.
El Centro, Naval Air Facility, $7,200,000.
Lemoore, Naval Air Station, $2,100,000.
Moffett Field, Naval Air Station, $1,000,000.
Monterey, Fleet Numerical Oceanography Center, $6,760,000.
Monterey, Naval Post Graduate School, $18,690,000.
North Island, Naval Air Station, $6,160,000.
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $820,000.
San Diego, Fleet Combat Training Center, Pacific, $3,670,000.
San Diego, Fleet Intelligence Training Center, Pacific, $2,500,000.
San Diego, Fleet Training Center, $12,800,000.
San Diego, Integrated Combat Systems Test Facility, $4,100,000.
San Diego, Marine Corps Recruit Depot, $3,070,000.
San Diego, Naval Ocean Systems Center, $1,300,000.
San Diego, Naval Station, $1,000,000.
San Diego, Naval Submarine Base, $10,800,000.
San Diego, Naval Training Center, $7,150,000.
San Diego, Naval Public Works Center, $4,400,000.
San Francisco, Navy Public Works Center, $3,910,000.
Seal Beach, Naval Weapons Station, $9,000,000.
Tustin, Marine Corps Air Station, $2,990,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $3,140,000.
Vallejo, Mare Island Naval Shipyard, $9,000,000.

CONNECTICUT

New London, Naval Submarine Base, $24,250,000.
New London, Naval Submarine School, $8,200,000.
New London, Naval Underwater Systems Center, $12,600,000.

DISTRICT OF COLUMBIA

Washington, Commandant, Naval District, $420,000.
Washington, Naval Observatory, $2,500,000.

FLORIDA

Cecil Field, Naval Air Station, $1,970,000.
Jacksonville, Naval Hospital, $2,080,000.
Mayport, Naval Station, $20,000,000.
Orlando, Naval Training Center, $18,400,000.
Panama City, Naval Diving and Salvage Training Center, $4,300,000.
Panama City, Naval Experimental Diving Unit, $2,900,000.
Pensacola, Navy Public Works Center, $2,100,000.

GEORGIA

Albany, Marine Corps Logistics Base, $4,550,000.
Athens, Navy Supply Corps School, $1,000,000.
Kings Bay, Naval Submarine Base, $66,689,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, $13,150,000.
Lualualei, Naval Magazine, $4,600,000.
Pearl Harbor, Naval Submarine Base, $18,600,000.
Pearl Harbor, Naval Submarine Training Center, Pacific, $5,550,000.
Pearl Harbor, Navy Public Works Center, $750,000.
Wahiawa, Naval Communication Area Master Station Eastern Pacific, $8,000,000.

ILLINOIS

Great Lakes, Naval Hospital, $12,270,000.
Great Lakes, Naval Training Center, $15,900,000.

INDIANA

Crane, Naval Weapons Support Center, $4,000,000.
Indianapolis, Naval Avionics Center, $8,000,000.

MAINE

Brunswick, Naval Air Station, $1,000,000.
Brunswick, Naval Branch Medical Clinic, $2,650,000.
Kittery, Portsmouth Naval Shipyard, $1,000,000.

MARYLAND

Indian Head, Naval Explosive Ordnance Disposal Technology Center, $7,700,000.
Indian Head, Naval Ordnance Station, $10,670,000.
Patuxent River, Naval Air Test Center, $17,000,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $2,950,000.

MISSISSIPPI

Meridian, Naval Air Station, $11,800,000.
Pascagoula, Naval Station, $2,220,000.

MISSOURI

Kansas City, Marine Corps Support Activity, $10,000,000.

NEVADA

Fallon, Naval Air Station, $1,000,000.

NEW JERSEY

Bayonne, Navy Publications and Printing Service Detachment Office, $1,000,000.
Earle, Naval Weapons Station, $14,270,000.

NEW MEXICO

Elephant Butte, Naval Space Surveillance Field Station, $4,700,000.

NEW YORK

New York, Naval Station, $25,640,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $21,210,000.
Cherry Point, Marine Corps Air Station, $10,750,000.
New River, Marine Corps Air Station, $21,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $21,500,000.

PENNSYLVANIA

Philadelphia, Naval Shipyard, $10,000,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $8,290,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $4,920,000.
Charleston, Naval Supply Center, $700,000.
Charleston, Naval Weapons Station, $4,600,000.

TENNESSEE

Memphis, Naval Air Station, $10,000,000.

TEXAS

Ingleside, Naval Station, $19,720,000.
Lackland Air Force Base, Naval Technical Training Center Detachment, $4,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $1,300,000.
Dahlgren, Naval Surface Warfare Center, $1,000,000.
Dam Neck, Marine Environmental Systems Facility, $8,000,000.
Little Creek, Naval Amphibious Base, $5,200,000.
Norfolk, Naval Air Station, $4,400,000.

Norfolk, Naval Eastern Oceanography Center, $680,000.
Norfolk, Naval Public Works Center, $332,000.
Norfolk, Naval Supply Center, $6,500,000.
Oceana, Naval Air Station, $12,555,000.
Portsmouth, Norfolk Naval Shipyard, $9,700,000.
Quantico, Marine Corps Combat Development Command, $3,450,000.
Williamsburg, Cheatham Annex, Naval Supply Center, $18,500,000.
Yorktown, Naval Weapons Station, $21,420,000.

WASHINGTON

Bremerton, Naval Hospital, $1,000,000.
Bremerton, Puget Sound Naval Shipyard, $19,900,000.
Bremerton, Puget Sound Naval Supply Center, $690,000.
Everett, Naval Station, $11,200,000.
Keyport, Naval Undersea Warfare Engineering Station, $12,250,000.
Oso, Jim Creek Naval Radio Station, $1,200,000.

VARIOUS LOCATIONS

Land acquisition, $22,300,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION ISLAND

Naval Communication Detachment, $3,500,000.

AUSTRALIA

Exmouth, Harold E. Holt Naval Communication Station, $610,000.

GUAM

Camp Covington, Mobile Construction Battalion, $4,300,000.
Navy Public Works Center, $4,150,000.

ICELAND

Keflavik, Naval Air Station, $7,500,000.
Keflavik, Naval Communication Station, $8,450,000.

ITALY

Naples, Naval Support Activity, $46,600,000.

PUERTO RICO

Roosevelt Roads, Naval Communication Station, $1,300,000.

SPAIN

Rota, Naval Station, $1,900,000.

UNITED KINGDOM

Edzell, Scotland, Naval Security Group Activity, $5,820,000.

VARIOUS LOCATIONS

Classified location, $5,800,000.
Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

Camp Pendleton, Marine Corps Base, California, two hundred and ninety-five units, $25,150,000.

El Toro, Marine Corps Air Station, California, two hundred units, $15,000,000.

Moffett Field, Naval Air Station, California, seventy-four units, $6,600,000.

San Francisco, Navy Public Works Center, California, three hundred and forty-four units, $28,350,000.

Glenview Naval Air Station, Illinois, one hundred forty units, $15,300,000.

Thurmont, Naval Support Facility, Maryland, eleven units, $1,160,000.

Guantanamo, Naval Station, Cuba, two hundred and fifty-four units, $31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred twelve units, $23,213,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $3,100,000.

(c) PROJECT.—(1) The Secretary of the Navy may construct one family housing unit, at a cost not to exceed $140,000, on the Naval Air Station at Kingsville, Texas, in accordance with applicable provisions of law.

(2) Funds appropriated to the Department of the Navy for any fiscal year before fiscal year 1991 for military family housing projects that remain available, as savings, for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, to carry out paragraph (1).

Termination date.

(3) The authority to carry out this subsection shall expire on October 1, 1994.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing units in the amount of $41,748,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units, and in the amount, shown for each installation:

Long Beach, Naval Station, California, forty-four units, $2,208,200.

San Diego, Navy Public Works Center, California, one unit, $79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred and sixty-two units, $17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, $1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, $80,100.

New York, Naval Station, New York, ten units, $842,000.

New York, Naval Station, New York, ten units, $719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred and fourteen units, $13,398,000.

Newport, Naval Education and Training Center, Rhode Island, two hundred and twenty units, $13,700,000.

Bangor, Naval Submarine Base, Washington, one hundred units, $5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, $104,700.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,962,935,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $915,511,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $90,930,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $191,290,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $660,424,000, of which not more than $40,800,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2121 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Physical security improvements in the amount of $2,460,000 at Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddalena, Italy.

(3) Command, Control, Communications and Intelligence Complex in the amount of $19,400,000 at Naval Support Activity, Naples, Italy.

SEC. 2206. STUDY AND SOLICITATION OF BIDS FOR OFFICE SPACE

Virginia.

(a) Study.—The Secretary of the Navy shall conduct a study to determine the location or locations in the State of Virginia at which the Department of the Navy can most efficiently and effectively carry out the operations it currently performs in such State within the National Capital Region.

(b) Report.—The Secretary shall, within 90 days after the date of the enactment of this Act, transmit a report to the Committees on Armed Services of the Senate and the House of Representatives containing the findings and conclusions of such study.

(c) Solicitation of Bids.—After the 30-day period beginning on the date on which the report described in subsection (b) is transmitted, the Administrator of General Services may issue one or more solicitations of bids, in accordance with applicable law, for office space in the State of Virginia for use by the Department of the Navy in carrying out the operations of the Department currently being performed in such State within the National Capital Region.

SEC. 2207. COMMUNITY SUPPORT CENTER, MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) Project Authorization.—(1) Section 2201(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2093), is amended by striking out "$10,990,000" after "Marine Corps Air Station, Tustin," under the heading "California" and inserting in lieu thereof "$12,036,000".

(2) Section 2202(a) of such Act (102 Stat. 2097) is amended by striking out "and eighty mobile home spaces, $10,120,000" in the item relating to Marine Corps Air Station, El Toro, California, and inserting in lieu thereof ", $9,074,000".

(b) Authorization of Appropriations.—(1) Section 2205(a)(1) of such Act (102 Stat. 2099) is amended by striking out "$1,296,450,000" and inserting in lieu thereof "$1,297,496,000".

(2) Section 2205(a)(6)(A) of such Act (102 Stat. 2099) is amended by striking out "$250,770,000" and inserting in lieu thereof "$249,724,000".

PART B—FISCAL YEAR 1991

SEC. 2221. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ARIZONA

Yuma, Marine Corps Air Station, $3,000,000.

CALIFORNIA

Bridgeport, Marine Corps Mountain Warfare Training Center, California, $8,000,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $3,600,000.

FLORIDA

Orlando, Naval Training Center, $17,950,000.

GEORGIA

Kings Bay, Naval Submarine Base, $75,231,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $3,000,000.

Cherry Point, Marine Corps Air Station, $1,050,000.

TEXAS

Lackland Air Force Base, Naval Technical Training Center Detachment, $11,800,000.

VIRGINIA

Dam Neck, Marine Environmental Systems Facility, $8,000,000.

Little Creek, Naval Amphibious Base, $12,400,000.

WASHINGTON

Everett, Naval Station, $22,150,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ICELAND

Keflavik, Naval Air Station, $1,030,000.

SEC. 2222. FAMILY HOUSING

The Secretary of the Navy may, using amounts appropriated pursuant to section 2223(a)(5)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

New York, Naval Station, New York, one hundred fifty units, $19,600,000.

Keflavik, Naval Air Station, Iceland, one hundred twelve units, $27,200,000.

SEC. 2223. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $986,410,000 as follows:

(1) For military construction projects inside the United States authorized by section 2221(a), $166,181,000.

(2) For military construction projects outside the United States authorized by section 2221(b), $1,030,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $15,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $81,999,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $46,800,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $674,900,000, of which not more than $66,421,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2221 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIII—AIR FORCE

Part A—Fiscal Year 1990

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) Inside the United States.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $12,100,000.
Maxwell Air Force Base, $1,520,000.

ALASKA

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $21,000,000.

Elmendorf Air Force Base, $2,400,000.
King Salmon Airport, $8,000,000.
Shemya Air Force Base, $22,700,000.

ARIZONA

Davis-Monthan Air Force Base, $8,200,000.
Luke Air Force Base, $3,970,000.
Williams Air Force Base, $1,850,000.

ARKANSAS

Ira Eaker Air Force Base, $4,050,000.

CALIFORNIA

Beale Air Force Base, $13,472,000.
Castle Air Force Base, $3,900,000.
Edwards Air Force Base, $12,400,000.
McClellan Air Force Base, $27,730,000.
Onizuka Air Force Station, $14,800,000.
Travis Air Force Base, $9,000,000.
Vandenberg Air Force Base, $13,550,000.

COLORADO

Lowry Air Force Base, $21,250,000.

DELAWARE

Dover Air Force Base, $8,300,000.

FLORIDA

Cape Canaveral Air Force Station, $89,000,000.
Eglin Air Force Base, $12,100,000.
Eglin Air Force Base, Auxiliary Field 9, $21,900,000.
Homestead Air Force Base, $7,350,000.
MacDill Air Force Base, $4,490,000.
Patrick Air Force Base, $3,800,000.
Tyndall Air Force Base, $8,500,000.

GEORGIA

Robins Air Force Base, $33,350,000.

HAWAII

Hickam Air Force Base, $530,000.

ILLINOIS

Scott Air Force Base, $8,400,000.

INDIANA

Grissom Air Force Base, $6,800,000.

KANSAS

McConnell Air Force Base, $5,200,000.

LOUISIANA

Barksdale Air Force Base, $7,700,000.
England Air Force Base, $10,300,000.

MAINE

Loring Air Force Base, $8,500,000.

MARYLAND

Andrews Air Force Base, $5,550,000.

MASSACHUSETTS

Hanscom Air Force Base, $5,600,000.

MICHIGAN

K.I. Sawyer Air Force Base, $4,300,000.

MISSISSIPPI

Columbus Air Force Base, $1,200,000.

MISSOURI

Whiteman Air Force Base, $72,500,000.

MONTANA

Malmstrom Air Force Base, $32,100,000.

NEBRASKA

Offutt Air Force Base, $1,150,000.

NEVADA

Nellis Air Force Base, $4,800,000.

NEW JERSEY

McGuire Air Force Base, $4,900,000.

NEW MEXICO

Holloman Air Force Base, $17,350,000.
Kirtland Air Force Base, $18,350,000.

NEW YORK

Griffis Air Force Base, $7,400,000.
Plattsburgh Air Force Base, $9,900,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $4,500,000.

NORTH DAKOTA

Grand Forks Air Force Base, $1,900,000.

OHIO

Newark Air Force Base, $2,980,000.
Wright Patterson Air Force Base, $11,760,000.

OKLAHOMA

Altus Air Force Base, $5,200,000.
Tinker Air Force Base, $56,800,000.

SOUTH CAROLINA

Charleston Air Force Base, $4,650,000.
Myrtle Beach Air Force Base, $2,350,000.
Shaw Air Force Base, $5,700,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $11,350,000.

TEXAS

Bergstrom Air Force Base, $2,400,000.
Carswell Air Force Base, $650,000.
Goodfellow Air Force Base, $3,300,000.
Kelly Air Force Base, $17,930,000.
Lackland Air Force Base, $34,250,000.
Lackland Training Annex, $1,994,000.
Laughlin Air Force Base, $5,350,000.
Randolph Air Force Base, $630,000.
Reese Air Force Base, $4,630,000.

UTAH

Hill Air Force Base, $16,950,000.

VIRGINIA

Langley Air Force Base, $3,300,000.

WASHINGTON

Fairchild Air Force Base, $14,200,000.

WYOMING

F. E. Warren Air Force Base, $104,850,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, $24,000,000.

GERMANY

Hahn Air Base, $4,120,000.
Sembach Air Base, $1,250,000.
Spangdahlem Air Base, $1,250,000.

Zweibrucken Air Base, $6,100,000.

GUAM

Andersen Air Force Base, $6,500,000.

ICELAND

Naval Air Station, Keflavik, $7,400,000.

ITALY

Aviano Air Base, $2,250,000.
San Vito Air Station, $2,750,000.

KOREA

Kunsan Air Base, $7,900,000.

OMAN

Seeb, $2,200,000.
Thumrait, $23,600,000.

PORTUGAL

Lajes Field, $10,000,000.

TURKEY

Balikesir Radio Relay Site, $3,600,000.
Erhac Air Base, $2,750,000.
Incirlik Air Base, $1,100,000.

UNITED KINGDOM

Bovingdon Radio Relay Site, $400,000.
RAF Alconbury, $1,300,000.
RAF Barford St. John, $490,000.
RAF Bentwaters, $2,450,000.
RAF Christmas Common Radio Relay Site, $210,000.
RAF Fairford, $1,350,000.
RAF Mildenhall, $1,650,000.
RAF Upper Heyford, $5,350,000.

VARIOUS LOCATIONS

Classified location, $740,000.

SEC. 2302. FAMILY HOUSING

(a) Construction and Acquisition.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units, and in the amount, shown for each installation:

Kelly Air Force Base, Texas, eleven units, $1,619,000.
Ramstein Air Base, Germany, two hundred units, $18,722,000.

(b) Planning and Design.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed $173,349,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, $357,000; eight units, $800,000; one unit, $108,000; thirty-two units, $1,548,000.

Elmendorf Air Force Base, Alaska, eighty-eight units, $9,578,000; forty units, $4,451,000.

Davis-Monthan Air Force Base, Arizona, five units, $200,000.

Travis Air Force Base, California, one hundred forty-two units, $7,691,000.

Peterson Air Force Base, Colorado, thirty-two units, $1,438,000.

Bolling Air Force Base, District of Columbia, forty units, $1,683,000.

Tyndall Air Force Base, Florida, forty units, $2,441,000.

Scott Air Force Base, Illinois, four units, $250,000; eighty units, $4,076,000.

England Air Force Base, Louisiana, one hundred one units, $4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, $970,000.

Nellis Air Force Base, Nevada, thirty-two units, $1,727,000.

Holloman Air Force Base, New Mexico, one hundred twenty-three units, $5,710,000; one unit, $47,000.

Bergstrom Air Force Base, Texas, two units, $149,000.

Carswell Air Force Base, Texas, one hundred nineteen units, $5,432,000.

Kelly Air Force Base, Texas, seventy-nine units, $3,650,000.

Randolph Air Force Base, Texas, one hundred twenty-four units, $4,136,000; one unit, $78,000.

Langley Air Force Base, Virginia, eighty-six units, $5,398,000.

Fairchild Air Force Base, Washington, two hundred thirty units, $12,162,000.

Ramstein Air Base, Germany, one unit, $137,000; twenty-four units, $2,180,000; thirty-eight units, $2,681,000.

Spangdahlem Air Base, Germany, four units, $302,000.

Andersen Air Base, Guam, two hundred units, $17,817,000.

RAF Alconbury, United Kingdom, one unit, $55,000.

RAF Bentwaters, United Kingdom, eighty-three units, $4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, $3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, $1,153,000; sixty units, $3,408,000.

RAF Mildenhall, United Kingdom, two units, $89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS.—(1) The Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and, notwithstanding section 2826(a) of title 10, United States Code, to—

(A) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet;

(B) increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet; and

(C) increase the net floor area of two family housing units at Hill Air Force Base, Utah, to not more than 2,315 square feet.

(2) The Secretary of the Air Force may, notwithstanding section 2826(a) of title 10, United States Code, carry out new construction projects to build five family housing units at Kelly Air Force Base, Texas, to not more than 3,000 square feet.

(3) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,193,638,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $945,836,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $120,710,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), $66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $106,094,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $201,690,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $743,308,000, of which not more than $96,000,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AUTHORIZED PROJECTS.—(1) The Secretary of the Air Force may use not more than $248,900 of the amount appropriated pursuant to the authorization in subsection (a) to acquire a depot operations logistics facility at Tinker Air Force Base, Oklahoma.

(2) The Secretary of the Air Force may provide not more than $7,250,000 of the amount appropriated pursuant to the authorization in subsection (a)(1) to the Douglas School District, South Dakota, for the construction of a middle school primarily for the dependents of Armed Forces personnel assigned to duty at Ellsworth Air Base, South Dakota.

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 982), authorization for the following project authorized in section 301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

GEODSS Site 5, Portugal, Composite Support Facility in the amount of $2,250,000 and Spacetrack Observation Facility in the amount of $12,400,000.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorization for the following project authorized in section 2301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

KC-135 CPT Simulator Facility in the amount of $760,000 at Beale Air Force Base, California.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorization for the following projects authorized in sections 2131 and 2132 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of $1,150,000 at Loring Air Force Base, Maine.

(2) Thirty-four family housing units in the amount of $2,530,000 at Holbrook, Arizona.

SEC. 2306. LUKE AIR FORCE BASE, ARIZONA

Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101) is amended—

(1) by striking out "Williams Air Force Base, $11,130,000." under the heading "Arizona" and inserting in lieu thereof "Williams Air Force Base, $9,230,000."; and

(2) by striking out "Luke Air Force Base, $4,550,000." under the heading "Arizona" and inserting in lieu thereof "Luke Air Force Base, $6,450,000.".

SEC. 2307. ARNOLD ENGINEERING DEVELOPMENT CENTER, TENNESSEE

(a) PROJECT AMOUNT.—Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), is amended by striking out "Arnold Engineering Development Center, $213,800,000." under the heading "Tennessee" and inserting in lieu thereof "Arnold Engineering Development Center, $256,800,000.".

(b) TITLE TOTAL.—Section 2304(b)(2) of such Act (102 Stat. 2108) is amended by striking out "$133,000,000" and inserting in lieu thereof "$176,000,000".

SEC. 2308. REFERENCE TO LIMITATION ON OBLIGATION OF FUNDS FOR MX RAIL GARRISON PROGRAM

Limitations with respect to the obligation of funds for construction in connection with the the MX Rail Garrison program are set forth in section 231.

PART B—FISCAL YEAR 1991

SEC. 2321. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALASKA

Shemya Air Force Base, $48,200,000.

COLORADO

Falcon Air Force Station, $2,000,000.
Peterson Air Force Base, $17,750,000.

OKLAHOMA

Altus Air Force Base, $7,900,000.

SOUTH CAROLINA

Charleston Air Force Base, $8,740,000.

TEXAS

Lackland Air Force Base, $22,550,000.

UTAH

Hill Air Force Base, $2,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Hahn Air Base, $7,200,000.

WORLDWIDE CLASSIFIED

Classified locations, $5,910,000.

SEC. 2322. FAMILY HOUSING

The Secretary of the Air Force may, using amounts appropriated pursuant to section 2323(a)(6)(A), construct or acquire family housing units (including land acquisition) at the following installation: Malmstrom Air Force Base, Montana, one unit, $180,000.

SEC. 2323. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,150,836,000, as follows:

(1) For military construction projects inside the United States authorized by section 2321(a), $109,490,000.

(2) For military construction projects outside the United States authorized by section 2321(b), $13,110,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), $66,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $114,756,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $180,000; and

(B) for support of military family housing (including functions described in section 2833 of title 10, United States Code), $835,000,000, of which not more than $138,632,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2321 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

Part A—Fiscal Year 1990

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) Inside the United States.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE LOGISTICS AGENCY

Defense Depot, Tracy, California, $24,000,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,750,000.

Defense Fuel Support Point, Searsport, Maine, $2,700,000.

Defense Construction Supply Center, Columbus, Ohio, $26,600,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,800,000.

Defense General Supply Center, Richmond, Virginia, $6,066,000.

Defense Fuel Support Point, Manchester, Washington, $22,600,000.

DEFENSE MEDICAL FACILITIES OFFICE

Maxwell Air Force Base, Alabama, $1,600,000.
Naval Air Station, Mobile, Alabama, $3,000,000.
Naval Air Station, Adak, Alaska, $18,000,000.
Marine Corps Air Station, Twentynine Palms, California, $38,000,000.
Fitzsimons Army Medical Center, Colorado, $5,200,000.
Hurlburt Field, Florida, $6,000,000.
Naval Air Station, Jacksonville, Florida, $2,400,000.
Patrick Air Force Base, Florida, $2,700,000.
Andrews Air Force Base, Maryland, $2,900,000.
Naval Station, Pascagoula, Mississippi, $2,548,000.
Nellis Air Force Base, Nevada, $62,000,000.
Lackland Air Force Base, Texas, $6,000,000.
Naval Station, Ingleside, Texas, $2,300,000.
Portsmouth Naval Hospital, Virginia, $330,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, $900,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $21,444,000.

OFFICE OF THE SECRETARY OF DEFENSE

The Pentagon, Arlington, Virginia, $3,500,000.
Classified Location, $4,500,000.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Bethesda, Maryland, $600,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Nellis Air Force Base, Nevada, $6,542,000.

(b) Outside the United States.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Camp Carroll, Korea, $1,500,000.
Camp Garry Owen, Korea, $800,000.

DEFENSE NUCLEAR AGENCY

Johnston Atoll, $6,168,000.

DEPARTMENT OF DEFENSE SCHOOLS

Naval Air Station, Bermuda, $4,810,000.
Augsburg, Germany, $6,300,000.
Frankfurt, Germany, $7,101,000.
Grafenwoehr, Germany, $4,186,000.
Hohenfels, Germany, $17,079,000.
Royal Air Force, Bicester, United Kingdom, $6,275,000.
Royal Air Force, Upwood, United Kingdom, $4,175,000.
Various Locations, $6,600,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, $1,155,000.
Roosevelt Roads, Puerto Rico, $6,541,000.

NATIONAL SECURITY AGENCY

Classified Location, $23,000,000.

SEC. 2402. FAMILY HOUSING

Classified information.

The Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exceed $200,000.

SEC. 2404. CONFORMING STORAGE FACILITIES

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4037) is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987, not more than $5,000,000 appropriated for fiscal year 1988, not more than $9,300,000 appropriated for fiscal year 1989, and not more than $11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities.".

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $562,720,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $235,150,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,690,000.

(3) For military construction projects at Fort Sill, Oklahoma, as authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2109), $27,000,000.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4034), $53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1495), $16,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $80,430,000.

(9) For conforming storage facilities construction under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4037), $11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,700,000, of which not more than $17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraph (1) and (2) of subsection (a);

(2) $321,500,000 (the balance of the amount authorized under section 2401(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia); and

(3) $52,000,000 (the balance of the amount authorized by section 2401(a) for the construction of a hospital at Nellis Air Force Base, Nevada).

SEC. 2406. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

(a) Extension of Certain 1987 Project.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4040), the authorization for the Defense Fuel Support Point, Charleston, South Carolina, in the amount of $5,530,000, in section 2401(a) of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later.

(b) EXTENSION OF CERTAIN 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Fuel Tankage, in the amount of $9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Second Echelon Medical Storage Facility, Iraklion, Greece, $340,000.

(3) Composite Medical Facility, Misawa Air Base, Japan, $4,700,000.

SEC. 2407. MEDICAL FACILITY, FORT SILL, OKLAHOMA

(a) PROJECT AMOUNT.—Section 2401 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2109) is amended in the items listed under the heading "Defense Medical Facilities Office", by striking out "Fort Sill, Oklahoma, $54,000,000." and inserting in lieu thereof "Fort Sill, Oklahoma, $68,000,000.".

(b) TITLE TOTAL.—Section 2407(b)(2) of such Act (102 Stat. 2112) is amended by striking out "$27,000,000" and inserting in lieu thereof "$41,000,000".

PART B—FISCAL YEAR 1991

SEC. 2421. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for the following installation outside the United States.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, $4,200,000.

SEC. 2422. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $456,100,000, as follows:

(1) For military construction projects outside the United States authorized by section 2421, $4,200,000.

(2) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), $84,000,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a), $176,000,000.

(4) For military construction projects at Nellis Air Force Base, Nevada, authorized by section 2401(a), $52,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,200,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $94,400,000.

(8) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $21,300,000, of which not more than $18,135,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2421 may not exceed the total amount authorized to be appropriated under paragraph (1) of subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501 of this Act, in the amount of $424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

PART A—FISCAL YEAR 1990

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $187,411,000, and

(B) for the Army Reserve, $80,800,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,600,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $198,628,000, and

(B) for the Air Force Reserve, $46,200,000.

PART B—FISCAL YEAR 1991

SEC. 2621. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $119,500,000, and

(B) for the Army Reserve, $62,800,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $53,300,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $107,500,000, and

(B) for the Air Force Reserve, $38,500,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

(a) IN GENERAL.—Authorizations of military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects in titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this subdivision (and authorizations of appropriations therefor) shall be effective only to the extent that appropriations are made for such projects, acquisition, facilities, and contributions during the first session of the One Hundred First Congress.

(b) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS IN CERTAIN CASES.—(1) Except as provided in subsections (a) and (c)(1), all authorizations contained in part A of each of titles XXI, XXII, XXIII, and XXIV and the authorization in title XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(2) Except as provided in subsections (a) and (c)(2), all authorizations contained in part B of each of titles XXI, XXII, XXIII, and XXIV, for military construction projects, land acquisition, and family housing projects and facilities (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later.

(c) **Exceptions.**—(1) The provisions of subsection (b)(1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later, for military construction projects, land acquisitions, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

(2) The provisions of subsection (b)(2) do not apply to authorizations for military construction projects, land acquisition, and family housing projects and facilities (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later, for military construction projects, land acquisitions, family housing projects and facilities.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) by striking out clause (11) and inserting in lieu thereof the following:

"(11) shall include a provision authorizing the Secretary of the military department concerned, or the Secretary of Transportation with respect to the Coast Guard, to take such action as the Secretary considers appropriate to protect the interests of the United States, including rendering the agreement null and void if, in the opinion of the Secretary, the owner of the housing fails to maintain a satisfactory level of operation and maintenance;";

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and

(3) by adding after paragraph (12) the following new paragraphs:

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government at no cost to the occupant to the same extent that these items are provided to occupants of housing owned by the Federal Government; and

"(14) may require that rent collection and operation and maintenance services in connection with the housing be under the terms of a separate agreement or be carried out by personnel of the Federal Government.".

SEC. 2802. LEASING OF MILITARY FAMILY HOUSING

Section 2828 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking out "$10,000" and inserting in lieu thereof "$12,000";

(2) in subsection (b)(3)—

(A) by striking out "(A) Except as provided in subparagraph (B), not" and inserting in lieu thereof "Not";

(B) by striking out "$10,000" and "$12,000" and inserting in lieu thereof "$12,000" and "$14,000", respectively; and

(C) by striking out subparagraph (B);

(3) in subsection (e)(1), by striking out the first sentence and inserting in lieu thereof the following: "Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed $20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1, 1987."; and

(4) in subsection (e)(2), by striking out "38,000" and inserting in lieu thereof "53,000".

SEC. 2803. LONG TERM FACILITIES CONTRACTS

Section 2809 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B)(ii), by striking out "Potable" and inserting in lieu thereof "Utilities, including potable";

(2) in subsection (b), by striking out "child care centers" and inserting in lieu thereof "activities and services described in clause (i) or (ii) of subsection (a)(1)(B)"; and

(3) in subsection (c), by striking out "1989" and inserting in lieu thereof "1991".

SEC. 2804. IMPROVEMENTS TO FAMILY HOUSING UNITS FOR THE HANDICAPPED

Section 2825(b)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "will exceed"; and

(2) by inserting the following before the period: ", or (B) in the case of improvements necessary to make the unit suitable for habitation by a handicapped person, $60,000 multiplied by such index".

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM

Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) Each of the Secretaries concerned may enter into one or more contracts under this subsection for a number of family housing units not exceeding the number specified for that Secretary as follows:

"(A) The Secretary of the Army, 6,300.

"(B) The Secretary of the Navy, 6,200.

"(C) The Secretary of the Air Force, 5,800.

"(D) The Secretary of Transportation with respect to the Coast Guard, 900.";

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) in paragraph (8), as so redesignated, by striking out "1989" and inserting in lieu thereof "1991".

SEC. 2806. TURN-KEY SELECTION PROCEDURES

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out the second sentence; and

(2) in subsection (c), by striking out "1990" and inserting in lieu thereof "1991".

SEC. 2807. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM

(a) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding after section 2863 the following new section:

"§ 2864. Military construction contracts on Guam

"(a) IN GENERAL.—Except as provided in subsection (b), funds appropriated for military construction may not be obligated or expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant alien described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

"(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning on the date on which the Secretary concerned transmits to the Committees on Armed Services of the Senate and the House of Representatives a written notification of that determination.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding after the item relating to section 2863 the following:

"2864. Military construction contracts on Guam.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into, modified, or extended on or after the date of the enactment of this Act.

SEC. 2808. AUTHORIZED COST VARIATIONS

Section 2853 of title 10, United States Code, is amended to read as follows:

"§ 2853. Authorized cost variations

"(a) Except as provided in subsection (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project or 200 percent of the minor construction project ceiling specified in section 2805(a)(1), whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have reasonably been anticipated at the time the project was approved originally by Congress.

"(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.

"(c) The limitation on cost increase in subsection (a) or the limitation on scope reduction in subsection (b) does not apply if—

"(1) the increase in cost or reduction in scope is approved by the Secretary concerned;

"(2) the Secretary concerned notifies the appropriate committees of Congress in writing of the increase or reduction and the reasons therefor; and

"(3) a period of 21 days has elapsed after the date on which the notification is received by the committees.

"(d) The limitation on cost increases in subsection (a) does not apply to a within-scope modification to a contract or to the settlement of a contractor claim under a contract if the increase in cost is approved by the Secretary concerned, and the Secretary concerned promptly submits written notification of the facts relating to the proposed increase in cost to the appropriate committees of Congress.".

SEC. 2809. LEASE-PURCHASE OF FACILITIES

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 2812. Lease-purchase of facilities

"(a)(1) The Secretary concerned may enter into an agreement with a private contractor for the lease of a facility of the kind specified in paragraph (2) if the facility is provided at the expense of the contractor on a military installation under the jurisdiction of the Department of Defense.

"(2) The facilities that may be leased pursuant to paragraph (1) are as follows:

"(A) Administrative office facilities.

"(B) Troop housing facilities.

"(C) Energy production facilities.

"(D) Utilities, including potable and waste water treatment facilities.

"(E) Hospital and medical facilities.

"(F) Transient quarters.

"(G) Depot or storage facilities.

"(H) Child care centers.

"(b) Leases entered into under subsection (a)—

"(1) may not exceed a term of 32 years;

"(2) shall provide that, at the end of the term of the lease, title to the leased facility shall vest in the United States; and

"(3) shall include such other terms and conditions as the Secretary concerned determines are necessary or desirable to protect the interests of the United States.

"(c)(1) The Secretary concerned may not enter into a lease under this section until—

"(A) the Secretary submits to the appropriate committees of Congress a justification of the need for the facility for which the proposed lease is being entered into and an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility; and

"(B) a period of 21 days has expired following the date on which the justification and economic analysis are received by the committees.

"(2) Each Secretary concerned may, under this section, enter into—

"(A) not more than three leases in fiscal year 1990; and

"(B) not more than five leases in each of the fiscal years 1991 and 1992.

"(d) Each lease entered into under this section shall include a provision that the obligation of the United States to make payments under the lease in any fiscal year is subject to the availability of appropriations for that purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"2812. Lease-purchase of facilities.".

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may—

(1) convey to the County of Orange, California, or its designee, or both, all right, title, and interest of the United States in and to approximately 77 acres of real property, including improvements thereon, consisting of three severable parcels at Marine Corps Air Station, El Toro, California; and

(2) accept monetary consideration for such property and expend it for the construction of additional military family housing units at Marine Corps Air Station, Tustin, California.

(b) CONDITIONS.—(1) The Secretary shall provide that all conveyances under this section are subject to the retention of appropriate interests to ensure that future use of the conveyed property is compatible with military activities.

(2) Conveyances under this section shall be made in exchange for payment of the fair market value of the property conveyed, as determined by an independent appraisal satisfactory to the Secretary and paid for by the County or its designees, or both.

(3) Any contract for construction authorized under this section shall be awarded through competitive procedures.

(4) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(5) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County or its designee, or both.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2812. LAND CONVEYANCE, FORT GILLEM, GEORGIA

(a) In General.—Subject to subsections (b) through (e), the Secretary of the Army may convey, without consideration, to the State of Georgia all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at Fort Gillem, Clayton County, Georgia, consisting of approximately 35.26 acres, for use by the State for the administration of the Georgia Department of Defense, the Georgia National Guard, and other Georgia National Guard activities.

(b) Conditions of Conveyance.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) The property conveyed shall be used for the administration of the Georgia Department of Defense, the Georgia National Guard, and for other official activities of the Georgia National Guard.

(2) The Secretary may reserve to the United States (and shall include in the instrument of conveyance) such easements and other interests in the property conveyed pursuant to this section as the Secretary determines necessary or convenient for the operations, activities, and functions of the United States.

(c) Reversion.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b)(1), all right, title, and interest in and to the property (including improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(d) Description of Property.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2813. LAND CONVEYANCE, HICKAM AIR FORCE BASE, HAWAII

(a) In General.—Subject to subsections (b) through (h), the Secretary of the Air Force may convey to the State of Hawaii all right, title, and interest of the United States in and to approximately 22.88 acres of real property, including improvements thereon, located on the eastern boundary of Hickam Air Force Base, Hawaii.

(b) Consideration.—(1) In consideration for the conveyance authorized by subsection (a), the State of Hawaii shall, subject to subsection (c), be required to—

(A) pay for the cost of designing and constructing the facilities and improvements described in subsection (c)(2), in accordance with such specifications as the Secretary may prescribe;

(B) pay for the cost of relocating munition storage facilities designated by the Secretary and situated on the property to be conveyed by the Secretary;

(C) pay for the cost of relocating the existing security fence to conform with the new boundaries of Hickam Air Force Base after such conveyance; and

(D) pay to the United States the difference, if any, between the fair market value of the property conveyed, as determined by the Secretary, and the cost of facilities and improvements provided by the State of Hawaii under subsection (c).

(2) Costs incurred by the State of Hawaii in connection with the relocations referred to in clauses (B) and (C) of paragraph (1) may not be considered as any part of the payment of the fair market value of the property referred to in subsection (a).

(c) IMPLEMENTATION.—(1) The Secretary may—

(A) accept facilities and improvements referred to in paragraph (2) designed and constructed by the State of Hawaii, according to standards specified by the Secretary, that are equal in value to not less than the fair market value of the property to be conveyed by the Secretary; or

(B) in the discretion of the Secretary, accept payment of the fair market value for the property to be conveyed by the Secretary and design and construct facilities and improvements referred to in paragraph (2).

(2) The facilities and improvements to be provided by the State of Hawaii or constructed by the Secretary with funds provided by the State shall be for one or more of the following projects in the order of priority in which they are listed:

(A) One hundred units of military family housing at Hickam Air Force Base, Hawaii.

(B) Construction of an enlisted personnel dormitory at such Base.

(C) Renovation of an existing enlisted personnel dormitory at such Base.

(3) The Secretary may not enter into any contract for any construction project or improvement under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a detailed report on the proposed contract.

(d) SECURITY FOR CONVEYANCE.—(1) The Secretary may convey the property described in subsection (a) to the State of Hawaii before completion of the construction of the facilities referred to in subsection (b)(1) upon—

(A) the execution of an escrow agreement between the Secretary and the State of Hawaii and deposit by the State in an escrow account (pursuant to such agreement) of an amount equal to the fair market value of the property to be conveyed by the Secretary; or

(B) the acceptance by the Secretary of payment of such amount.

(2) The Secretary may obligate and expend funds accepted under paragraph (1)(B) for design and construction of the facilities and improvements referred to in subsection (c)(2).

(e) VACATING PROPERTY.—If the Secretary conveys property to the State under this section before completion of the construction of the facilities and improvements referred to in subsection (b)(1), the Secretary shall not be required to vacate the property until the completion, and approval by the Secretary, of the work described in subparagraphs (B) and (C) of subsection (b)(1).

(f) EXCESS AMOUNT.—The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the State of Hawaii.

(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2814. LAND CONVEYANCES, KAPALAMA MILITARY RESERVATION, HAWAII

(a) In General.—(1) Section 2332 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 100 Stat. 1223), is amended by striking out subsections (a) through (e) and inserting in lieu thereof the following:

"(a) In General.—Subject to subsections (b) through (f), the Secretary of the Army may sell and convey to the State of Hawaii approximately 35.92 acres of real property, including improvements thereon, at Kapalama Military Reservation, Hawaii, and may replace and relocate the facilities located on such property.

"(b) Consideration.—In consideration for the real property described in subsection (a), the State of Hawaii shall pay the United States an amount equal to not less than the fair market value of the property to be conveyed, as determined by the Secretary.

"(c) Use of Sale Proceeds.—The Secretary shall use the proceeds received from the sale of property authorized by this section—

"(1) for the cost of the design and construction of suitable replacement facilities to be constructed at Fort Shafter, Fort Kamehameha, Tripler Army Medical Center, and Schofield Barracks, Hawaii; and

"(2) for any cost incurred by the Department of the Army under this section with respect to the sale and relocation of facilities.

"(d) Excess Amount.—(1) The Secretary may use any proceeds in excess of the amount required to pay costs referred to in subsection (c) for the implementation of the plan established by the Secretary of the Army on March 1, 1988, for the future use and development of Fort DeRussy, Hawaii, except that such proceeds may not be used to pay for the construction of any nonappropriated-fund project identified in such plan.

"(2) At the end of the ten-year period beginning on the date of the enactment of the Military Construction Authorization Act, 1989, the Secretary shall deposit any amount received and not expended under this section into the Treasury as miscellaneous receipts.".

(2) Subsections (f) and (g) of section 2332 of such Act are redesignated as subsections (e) and (f), respectively.

(b) Savings Provision.—The provisions of section 2332 of the Military Construction Authorization Act, 1988 and 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the sale of any property referred to in such section that was sold pursuant to such section before the date of the enactment of this Act.

(c) Ceded Lands.—(1) Subject to paragraphs (2) through (4), the Secretary of the Army shall convey to the State of Hawaii, without consideration other than that described in paragraph (2), all right, title, and interest of the United States in and to approximately 17.8 acres of ceded lands, including improvements thereon, at Kapalama Military Reservation, Hawaii.

(2) In consideration for the conveyance authorized under paragraph (1) the State of Hawaii shall pay to the United States the fair market value, as determined by the Secretary, of any improvements on the land not made at the State's expense. The Secretary shall deposit any amount received into the Treasury as miscellaneous receipts.

(3) The exact acreage and legal description of the land to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State of Hawaii.

(4) The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, PUBLIC WORKS CENTER, GREAT LAKES, ILLINOIS

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Navy may—

(1) sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres of land, comprising that portion of the Public Works Center, Great Lakes, located south of the intersection of Desplaines Avenue and West Roosevelt Road, Forest Park, Illinois; and

(2) use the proceeds from the sale of such property to construct not more than 35 units of military family housing at the Naval Air Station, Glenview, Illinois.

(b) COMPETITIVE PROCEDURES; MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of the property described in subsection (a)(1).

(2) In no event may the property be sold for less than the greater of (A) the fair market value of the property, as determined by the Secretary, or (B) the amount necessary to cover the costs of constructing replacement housing and relocating the tenants from such property.

(c) CONDITION OF SALE.—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser permit the Department of the Navy to continue to occupy, without consideration, the property to be conveyed until the replacement housing has been constructed or acquired by the Secretary, except that in no event may the Department continue to occupy the property pursuant to this subsection more than two years after the date of the conveyance.

(d) USE OF FUNDS.—(1) The Secretary may use the proceeds from the sale of the property described in subsection (a) for payment of the following costs:

(A) The cost of design and construction of not more than 35 units of military family housing to be constructed at the Naval Air Station, Glenview, Illinois.

(B) The cost of relocating the tenants occupying the housing facilities located on the property described in subsection (a)(1) to new housing facilities.

(C) The cost of appraisals and other costs related to the sale of the property.

(2) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the

date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(3) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of receipt thereof.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, FORT KNOX, KENTUCKY

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, including improvements thereon, contiguous to the corporate limits of the City of Radcliff, Kentucky, and bounded on the east by U.S. Highway 31W, by the Radcliff city park on the south, by residential property to the west, and by Fort Knox to the north.

(b) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of the property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value of the property, as determined by the Secretary.

(c) USE OF PROCEEDS.—(1) The Secretary shall use the proceeds from the sale of the property referred to in subsection (a) for the construction of up to four units of military family housing at Fort Knox, Kentucky.

(2) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of receipt thereof.

(d) NOTICE.—The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2817. RELEASE OF REVERSIONARY INTEREST TO STATE OF MINNESOTA

(a) In General.—Subject to subsection (b) through (d), the Secretary of the Army may release—

(1) to the State of Minnesota the reversionary interest of the United States in approximately 35 acres of real property at Fort Snelling, Minnesota, including improvements thereon, known as "Area J" and conveyed from the United States to the State of Minnesota by a quitclaim deed dated August 17, 1971; and

(2) the State of Minnesota from all covenants and agreements contained in such quitclaim deed that relate to such property.

(b) Consideration.—In consideration of the release under subsection (a), the State of Minnesota shall convey to the United States, without consideration, the property referred to in subsection (a)(1) for use by the Department of the Army.

(c) Description of Property.—The exact acreage and legal description of the property from which the reversionary interest is to be released shall be determined by surveys satisfactory to the Secretary of the Army and the State of Minnesota.

(d) Additional Terms and Conditions.—(1) The Secretary may require such additional terms and conditions in connection with the release under this section as the Secretary determines appropriate to protect the interests of the United States.

(2) The Secretary of the Army may accept the conveyance of the property referred to in subsection (b) subject to a reversionary interest in the State of Minnesota. The reversionary interest may provide that if the property is not used for Army purposes and the preservation of the historic structures lying thereon in conformity with Department of the Interior standards for properties on the National Register of Historic Places, the property shall revert to the State of Minnesota.

SEC. 2818. LAND CONVEYANCE, NAVAL RESERVE CENTER, KEARNEY, NEW JERSEY

(a) In General.—Subject to sections (b) through (d) the Secretary of the Navy may convey to Hudson County, New Jersey, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.9 acres, that comprises a portion of the Naval Reserve Center, Kearney, New Jersey.

(b) Consideration.—(1) In consideration for the conveyance authorized by subsection (a), Hudson County, New Jersey, shall demolish two Naval Reserve Center buildings on the Naval Reserve Center referred to in that subsection, improve the motor vehicle parking facilities on such Naval Reserve Center, and provide additional motor vehicle parking facilities on land adjacent to or near the Naval Reserve Center (and owned by Hudson County) for use by the United States. The improved and the additional parking facilities shall be acceptable to the Secretary, and the additional parking facilities shall be provided on such terms and conditions and for such period as the Secretary shall prescribe.

(2) If the fair market value of the land to be conveyed under subsection (a) exceeds the fair market value of the consideration received under paragraph (1), as determined by the Secretary, Hudson County shall pay the amount of the difference to the United States. Any such payment shall be deposited into the Treasury as miscellaneous receipts.

(c) Description of Property.—The exact acreage and legal description of the property to be conveyed under this section described in subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Hudson County, New Jersey.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with any conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2819. TRANSFER OF JURISDICTION OVER CERTAIN LANDS AT SANDIA, NEW MEXICO

(a) In General.—The Secretary of Defense may transfer to the Secretary of Energy, without consideration, jurisdiction and control of the real property, including improvements thereon, described in subsection (b) for use by the Department of Energy in providing a location for the Center for National Security and Arms Control.

(b) Description of Property.—(1) The real property referred to in subsection (a) is a tract of land, including improvements thereon, located in Bernalillo County, New Mexico, in a portion of section 32, township 10 north, range 4 east, New Mexico principal meridian, and consisting of approximately 5.6 acres.

(2) The exact acreage and legal description of the property referred to in paragraph (1) shall be determined by a survey satisfactory to the Secretary of Defense.

SEC. 2820. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA

(a) In General.—Subject to subsections (b) through (f), the Secretary of the Navy may convey to Carnegie-Mellon University all right, title, and interest of the United States in and to approximately 1.29 acres of land located at 4902 Forbes Avenue, Allegheny County, Pittsburgh, Pennsylvania, including improvements thereon, comprising the Naval and Marine Corps Reserve Center.

(b) Consideration.—In consideration for the sale and conveyance, the University shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(c) Use of Funds.—(1) Funds received by the Secretary under subsection (b) may be used to pay for the acquisition or construction of a replacement facility, including the acquisition of real property, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(2) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under paragraph (1) within the four-year period beginning on the date of the receipt thereof.

Reports.

(d) Notice.—The Secretary may not enter into any contract for acquisition or construction of replacement facilities under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(e) Description of Property.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the University.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2821. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA

(a) In General.—Subject to subsections (b) through (h), the Secretary of the Army may convey to any grantee selected in accordance with subsection (e) all right, title, and interest of the United States in and to all or any portion of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

(b) Consideration.—(1) In consideration for the conveyance authorized in subsection (a), the grantee shall—

(A) construct facilities for the Department of the Army referred to in subsection (c)(1)(D);

(B) permit use by, or grant title to, the Department of such facilities; and

(C) make infrastructure improvements for the Department of the Army referred to subsection (c)(1)(D),

as may be specified by the Secretary in an agreement to be entered into by the grantee and the Secretary in connection with the conveyance.

(2) In no event may the value of the consideration provided by the grantee pursuant to paragraph (1) be less than the fair market value, as determined by the Secretary, of the property conveyed to the grantee pursuant to this section.

(c) Content of Agreement.—(1) An agreement entered into under this section shall include the following:

(A) A requirement that the grantee develop the real property conveyed to the grantee pursuant to this section as a balanced, mixed-use development.

(B) A requirement that the development of the property include improvements to public transportation systems, utilities, and telecommunications on and off the property, and any other infrastructure improvements that may be specified by the Secretary in connection with such development.

(C) A requirement that the development and all such improvements comply with the specifications of a master plan formulated for the real property by the Secretary and agreed to by the appropriate officials of the County of Fairfax, Virginia, and the Commonwealth of Virginia.

(D) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

(E) A requirement that the construction of facilities and infrastructure improvements referred to in subparagraph (D) be carried out in accordance with plans and specifications approved by the Secretary.

(F) Such other terms and conditions as the Secretary and the grantee may agree upon.

(2) The Secretary may provide that the agreement be subject to review and approval by the appropriate officials of the County of Fairfax, Virginia, and the Commonwealth of Virginia.

Reports.

(d) NOTICE.—The Secretary may not enter into any agreement under this section until the expiration of 60 days following the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a report containing the details of the proposed agreement.

(e) SELECTION OF GRANTEE.—The Secretary shall use competitive procedures for the selection of a grantee. In evaluating the offers of prospective grantees, the Secretary shall consider the technical sufficiency of the offers and the cost of constructing the required facilities and making the required infrastructure improvements for the Department of the Army, as contained in the offers.

(f) REVERSION.—If the Secretary determines that the grantee—

(1) is unable or unwilling to develop the real property conveyed to the grantee under this section in accordance with the agreement entered into by the grantee under this section; or

(2) is unable or unwilling to construct any facility or complete any infrastructure improvement for the Department of the Army in accordance with such agreement,

all right, title, and interest in and to the real property conveyed to such grantee in connection with such agreement shall automatically revert to the United States, regardless of the reason for such inability or unwillingness, and the United States shall have the right of immediate entry thereon.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of any such survey shall be borne by the grantee.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. MODIFICATION OF REVERSIONARY INTEREST, PORT OF BENTON, WASHINGTON

(a) IN GENERAL.—(1) Subject to subsections (b) through (d), the Secretary of the Army may modify the reversionary interest of the United States in and to approximately 22 acres of real property, including improvements thereon, constituting a portion of a larger tract of land conveyed to the Port of Benton, Washington, by quitclaim deed dated June 1, 1964.

(2) The deed referred to in paragraph (1) is the quitclaim deed executed by the Secretary of the Army, dated June 1, 1964, which conveyed to the Port of Benton, Washington, pursuant to section 108 of the River and Harbor Act of 1960 (74 Stat. 486; 33 U.S.C. 578), approximately 290 acres of land owned by the United States.

(3) The 22-acre parcel of land referred to in paragraph (1) is bordered on the east by the Columbia River, on the north by First Street, on the south by the Tri-Cities University Center, and on the west by the Port of Benton property that is east of George Washington Way.

Schools and colleges.

(b) MODIFICATION.—(1) The Secretary shall modify the reversionary interest referred to in subsection (a) in such manner as may be necessary to permit the Port of Benton, Washington, to donate approximately 22 acres of the land conveyed by the deed referred to in subsection (a)(2) to Washington State University for the establishment of a university branch on the donated land.

(2) The modified reversionary interest shall provide that if at any time the Secretary determines that the donated land is not being used for the purpose described in paragraph (1), title to such land shall revert to the United States, the United States shall have the right of immediate entry thereon, and title to the land (including all improvements thereon) shall vest in the United States without compensation by the United States.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army The cost of such survey shall be borne by the Port of Benton, Washington.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

PART C—PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

SEC. 2831. HOMEOWNERS ASSISTANCE PROGRAM

(a) IN GENERAL.—Section 2832 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b)(1) Subject to paragraph (2) and notwithstanding subsection (i) of section 1013 of the Act referred to in subsection (a)—

"(A) the Secretary of Defense may transfer not more than $31,000,000 from the Department of Defense Base Closure Account, established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627), to the fund established pursuant to subsection (d) of such section 1013 for use as part of such fund; and

"(B) any funds so transferred shall be available for obligation and expenditure for the same purposes that funds appropriated to such fund are available, except that such funds may not be obligated after September 30, 1991.

"(2) Amounts may be transferred under paragraph (1) only after the date on which the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives receive from the Secretary written notice of, and justification for, the transfer.".

10 USC 2832 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only to funds appropriated or transferred to, or otherwise deposited in, the Department of Defense Base Closure Account for, or during, fiscal years beginning after September 30, 1989.

10 USC 2687 note.

SEC. 2832. USE OF CLOSED BASES FOR PRISONS AND DRUG TREATMENT FACILITIES

(a) FINDINGS.—The Congress finds that—

(1) the war on drugs is one of the highest priorities of the Federal Government;

(2) to effectively wage the war on drugs, adequate penal and correctional facilities and a substantial increase in the number and capacity of drug treatment facilities are needed;

(3) under the base closure process, authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627), 86 military bases are scheduled for closure; and

(4) facilities rendered excess by the base closure process should be seriously considered for use as prisons and drug treatment facilities, as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act, give priority to making real property (including the improvements thereon) of the Department of Defense rendered excess or surplus as a result of the recommendations of the Commission on Base Realignment and Closure available to another Federal agency or a State or local government for use as a penal or correctional facility or as a drug abuse prevention, treatment, or rehabilitation center.

SEC. 2833. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS

10 USC 2687 note.

(a) IDENTIFICATION OF ENROLLMENT CHANGES.—(1) Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627) are conducted, the Secretary of Defense shall identify, to the extent practicable, each local educational agency that will experience at least a 5-percent increase or at least a 10-percent reduction in the number of dependent children of members of the Armed Forces and of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such children enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act.

(2) The Secretary shall carry out this subsection in consultation with the Secretary of Education.

(b) NOTICE REQUIRED.—Not later than 30 days after the date on which the Secretary of Defense identifies a local educational agency under subsection (a), the Secretary shall transmit a written notice of the schedule for the closure or realignment of the military installation affecting that local educational agency to that local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

SEC. 2834. REPORT

(a) REPORT REQUIREMENT.—Not later than November 15, 1989, the Comptroller General of the United States shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the methodology, findings, and recommendations of the Commission on Base Realignment and Closure.

(b) CONTENT OF REPORT.—(1) In preparing the report, the Comptroller General should consider the following:

(A) The adequacy and accuracy of the information relied upon as a basis for the Commission's recommendations.

(B) The process used in the determination of military missions and requirements and the military value of the bases in meeting such missions and requirements.

(C) The criteria used to select bases to be closed or realigned.

(D) The findings regarding military and civilian personnel reductions and associated relocation and termination expenses.

(E) The findings regarding nonrecurring costs, including expenses such as costs of construction, personnel, and logistics.

(F) The findings regarding long-term, annual savings, including the estimated cost amortization period.

(G) The findings regarding assumed proceeds from property sales for each applicable initiative.

(H) The findings regarding any environmental restoration costs that must be incurred in order to make it possible to sell or transfer excess property.

(2) If any inaccuracies in the information referred to in paragraph (1)(A) are noted in the report, the Comptroller General shall include in the report an assessment of the effects of such inaccuracies upon the methodology, findings, and recommendations of the Commission.

PART D—MISCELLANEOUS PROVISIONS

SEC. 2841. WHITE SANDS MISSILE RANGE, NEW MEXICO

(a) IN GENERAL.—The Secretary of the Army may, subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States, issue a revocable license to the Ova Noss Family Partnership, a California limited partnership, to conduct a search for treasure trove in the Victorio Peak region of White Sands Missile Range, New Mexico, and may provide the Ova Noss Family Partnership with necessary processing, administration, and support incident to the license, including transportation, communications, safety and security, ordnance disposal services, housing, and public affairs assistance that the Ova Noss Family Partnership cannot contract for directly.

(b) REIMBURSEMENT.—(1) The Secretary of the Army shall require the Ova Noss Family Partnership to reimburse the Department of the Army for—

(A) all costs related to providing such processing, administration, and support; and

(B) other costs or losses incurred by the Department of the Army in connection with or as a result of the search.

(2) Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid.

(c) REPORT.—For each fiscal year in which any action is carried out under this section, the Secretary shall transmit a report to the Committees on Armed Services of the Senate and of the House of Representatives containing an accounting of each action taken under this section during such fiscal year.

SEC. 2842. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1990 for planning and design purposes to provide community planning assistance in the following amounts to the following communities:

(1) Not to exceed $250,000 of the planning and design funds of the Department of the Army for communities located near the newly established light infantry division posts at Fort Drum, New York.

(2) Not to exceed $250,000 of the planning and design funds of the Department of the Navy for communities located near the newly established Navy strategic dispersal program homeport at Everett, Washington.

(3) Not to exceed $250,000 of the planning and design funds of the Department of the Air Force for communities located near Whiteman Air Force Base, Knob Noster, Missouri.

SEC. 2843. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDERSON HALL, ARLINGTON, VIRGINIA

(a) IN GENERAL.—The Secretary of the Navy may—

(1) using funds provided by the Navy Mutual Aid Association, design, supervise, construct, and inspect a multipurpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia; and

(2) lease, without reimbursement, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a)(2) shall—

(1) be for a term of 50 years;

(2) be in full consideration for the funds provided to the Secretary by the Navy Mutual Aid Association pursuant to subsection (a);

(3) provide that in the event the lease is canceled by the Secretary before expiration, the Secretary shall, as determined by the Secretary, provide comparable alternative space or, subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building; and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50-year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—(1) Title to the facility described in subsection (a)(1) shall be and remain in the United States.

(2) All construction authorized under this section shall be awarded through competitive procedures.

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2844. REPORT REGARDING FORT MEADE RECREATION AREA

Delaware.

The Secretary of the Army shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the feasibility of conveying to the State of Delaware a parcel of property known as Fort Meade Recreation Area, formerly Fort Miles, Delaware, consisting of approximately 96 acres.

SEC. 2845. COOPERATIVE AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS

(a) IN GENERAL.—The Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations" (popularly known as the "Sikes Act"), approved September 15, 1960 (16 U.S.C. 670a et seq.), is amended by inserting after section 103 the following new section:

16 USC 670c-1. "SEC. 103a. (a) The Secretary of Defense may enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals to provide for the maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

"(b) A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement—

"(1) to contribute funds on a matching basis to defray the cost of programs, projects, and activities under the agreement; or

"(2) to furnish services on a matching basis to carry out such programs, projects, and activities,

or to do both.

"(c) Cooperative agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of title 31, United States Code, applies.".

(b) CONFORMING AMENDMENTS.—Section 106 of such Act (16 U.S.C. 670f) is amended—

(1) in subsection (a), by inserting "and cooperative agreements agreed to under section 103a" in the first sentence after "sections 101 and 102"; and

(2) in subsection (b), by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 103a.".

SEC. 2846. REIMBURSEMENT FOR COSTS ASSOCIATED WITH HOMEPORTING AT LAKE CHARLES, LOUISIANA

(a) IN GENERAL.—(1) Subject to subsections (b) through (e), the Secretary of the Navy may—

(A) reimburse the Lake Charles Harbor and Terminal District, Lake Charles, Louisiana, in an amount not to exceed $2,600,000 for actual expenses—

(i) that were incurred by the District before the date of the enactment of this Act for the construction of utilities and roads to serve the proposed Lake Charles Navy Homeport, which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2626); and

(ii) that will be incurred by the District after the date of the enactment of this Act in connection with the construction of such utilities and roads as a direct result of the closing of the homeport, as determined by the Secretary;

(B) pay to the Lake Charles Harbor and Terminal District an amount not to exceed $1,300,000 for completion of the permanent access road to the proposed homeport from State Highway 384;

(C) take such action as may be necessary to release to the State of Louisiana any funds remaining in the trust account established by the State pursuant to the Memorandum of Agreement between the State and the Department of the Navy for use by the Department in connection with the construction of the Lake Charles Navy Homeport; and

(D) reimburse the State of Louisiana for any funds expended by the Navy from the trust account referred to in clause (C).

(2) The total of the amount of funds that may be released to the State of Louisiana pursuant to subparagraph (C) of paragraph (1) and paid to the State pursuant to subparagraph (D) of that paragraph may not exceed $5,000,000.

(b) SOURCE OF FUNDS.—Payments under this section shall be made from funds appropriated pursuant to the Military Construction Appropriations Act, 1988 (as contained in section 101(j) of Public Law 100-202; 101 Stat. 1329-311) for the construction of facilities at the proposed Lake Charles Navy Homeport. In no event may the total amount paid under this section by the Secretary exceed the amount appropriated for construction of homeport facilities at Lake Charles and remaining available for obligation after payment of all termination costs resulting from the closure of the Lake Charles Navy Homeport.

(c) LAND CONVEYANCE.—The Secretary shall convey to the Lake Charles Harbor and Terminal District, without consideration, approximately 38 acres of real property, including improvements and the sheet pile materials thereon, constituting the proposed Lake Charles Navy Homeport, Louisiana. Such lands are the same lands that were previously conveyed, without consideration, to the United States by the Lake Charles Harbor and Terminal District by special warranty deed dated March 14, 1988.

(d) CONDITION.—The reimbursements and conveyance provided for in this section shall be made subject to the condition that the agreement entered into by the Lake Charles Harbor and Terminal District, the State of Louisiana, and the United States entitled "Memorandum of Understanding for Donation of Land and Establishment of Homeport", dated June 11, 1986, shall be considered canceled and of no force or effect after such reimbursements and conveyance have been made by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. FEASIBILITY STUDY OF LAND TRANSFER FOR USE AS A CORRECTIONAL FACILITY

Virginia.
Courts, U.S.

(a) IN GENERAL.—(1) The Secretary of Defense shall, in consultation with the Attorney General of the United States, conduct a study of the feasibility of selling or otherwise transferring to the Commonwealth of Virginia, subdivisions thereof, or any combination of subdivisions thereof, a parcel of land of approximately one hundred acres not more than one hundred miles from the southern boundary of Arlington County, from the military installations within Virginia which encompass land that may be suitable for use by the Commonwealth of Virginia, subdivisions thereof, or any combination of subdivisions thereof, as a site for a medium security correctional facility for persons sentenced in the courts of Virginia or in a United States District Court in Virginia.

(2) The study required by paragraph (1) shall address, at a minimum, the following issues:

(A) Whether there are parcels of land within those installations of the size described which could be released from Federal control without severely affecting the present mission of such installations.

(B) A description of the parcels of land referred to in subparagraph (A).

(C) A description of the effects, if any, transfer of such parcels of land from Federal control would have on the ability of the Secretary of Defense to carry out effectively the missions of the Department of Defense.

(D) An analysis of the risk, if any, that might be posed to military personnel and their dependents housed on such installation by the operation of such a correctional facility on the parcels of land referred to in subparagraph (A).

(E) An estimate of the date on which the parcels of land referred to in subparagraph (A) would be available for transfer from Federal control.

(b) REPORT.—The report of the study described in subsection (a) shall be transmitted to the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days after the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that no land is to be conveyed or otherwise transferred for use as a correctional facility as a result, directly or indirectly, of the study carried out under this section unless—

(1) the unit or units of general local government having jurisdiction over the land will utilize the correctional facility to be located on the land; or

(2) such unit or units have approved formally the use of such land for a correctional facility.

SEC. 2848. CONSTRUCTION OF MILITARY FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) AUTHORITY TO USE LITIGATION PROCEEDS.—Subject to subsections (b) through (d), upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82-0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. The Secretary of the Treasury shall make available, upon request, the amount in such account to the Secretary of the Navy solely for the construction of military family housing at Marine Corps Air Station, Tustin, California.

(b) UNITS AUTHORIZED.—Not more than 150 military family housing units may be constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any units otherwise authorized to be constructed at Marine Corps Air Station, Tustin, California.

(c) PAYMENT OF EXCESS INTO TREASURY.—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

Reports. (d) LIMITATION.—The Secretary may not enter into any contract for the construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report containing the details of such contract.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,774,573,000, to be allocated as follows:

(A) For research and development, $1,064,970,000.

(B) For weapons testing, $511,700,000.

(C) For production and surveillance, $2,100,000,000.

(D) For program direction, $97,903,000.

(2) For defense nuclear materials production, $1,654,691,000, to be allocated as follows:

(A) For production reactor operations, $578,049,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $589,609,000, of which $78,744,000 shall be used for special isotope separation.

(C) For supporting services, $282,868,000.

(D) For uranium enrichment for naval reactors, $168,900,000.

(E) For program direction, $35,265,000.

(3) For environmental restoration and management of defense waste and transportation, $1,441,875,000 to be allocated as follows:

(A) For environmental restoration, $572,000,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, $699,696,000.

(C) For waste research and development, $115,225,000.

(D) For hazardous waste and compliance technology, $40,163,000.

(E) For transportation management, $11,841,000.

(F) For program direction, $2,950,000.

(4) For verification and control technology, $159,146,000.

(5) For nuclear materials safeguards and security technology development program, $82,241,000.

(6) For security investigations, $41,200,000.

(7) For new production reactors, $203,500,000.

(8) For naval reactors development, $562,800,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 90-D-101, general plant projects, various locations, $28,130,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $1,000,000.

Project 90-D-103, environment, safety, and health improvements, various locations, $10,700,000.

Project 90-D-121, general plant projects, various locations, $30,850,000.

Project 90-D-122, production capabilities for the nuclear depth/strike bomb (ND/SB), various locations, $8,000,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, $1,800,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $26,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $9,200,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, $45,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $3,500,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $44,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $94,400,000.

Project 88-D-122, facilities capability assurance program, various locations, $83,099,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $5,500,000.

Project 88-D-124, fire protection upgrade, various locations, $5,400,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $36,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, $7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $41,200,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $5,200,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $24,025,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $9,460,000.

(2) For materials production:

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $3,500,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Fernald, Ohio, $920,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $800,000.

Project 90-D-146, general plant projects, various locations, $36,802,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, $4,900,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, $12,700,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $7,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $10,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,800,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $40,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, $7,100,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $6,400,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, $55,111,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, $40,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, and V, various locations, $81,780,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $3,164,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $6.181,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $75,000,000.

(3) For defense waste and environmental restoration:

Project 90-D-170, general plant projects, various locations, $29,036,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $1,300,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $1,500,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $2,800,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $4,200,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $3,100,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $5,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $6,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $27,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $15,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $9,360,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $6,440,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $29,100,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $700,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,790,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $14,140,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $1,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, $100,000,000.

(6) For naval reactors development:

Project 90-N-101, general plant projects, various locations, $8,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $200,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $6,500,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, $3,100,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, $6,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $3,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, $284,370,000, including $8,740,000 for the defense inertial confinement fusion program.

(B) For materials production, $104,425,000.

(C) For defense waste and environmental restoration, $50,126,000.

(D) For verification and control technology, $9,732,000.

(E) For nuclear safeguards and security, $4,967,000.

(F) For naval reactors development, $54,000,000.

SEC. 3103. FUNDING LIMITATIONS

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than $220,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, $173,940,000 shall be available for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—(1) The funds authorized for Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, may not be used for construction or procurement of long-lead materials or equipment.

(2) The Secretary of Energy may transfer not more than $10,000,000 of the funds authorized for Project 86-D-148 to the funds authorized for Operating Expenses for activities in support of such project.

(3) No funds may be obligated for site preparation for Project 86-D-148 until the Secretary of Energy has certified to the Committees on Armed Services of the Senate and House of Representatives that obligation of funds for site preparation is—

(A) essential for the national security of the United States; and

(B) necessary to meet plutonium requirements.

(4) No additional funds may be obligated for construction, including site preparation, in connection with such project until the Secretary has certified to the Committees on Armed Services of the Senate and the House of Representatives that the technology for the special isotope separation project has been proven and that all environmental requirements provided in applicable laws have been met.

(d) LANCE WARHEAD FOLLOW-ON.—(1) Except as provided in paragraph (2), funds appropriated pursuant to the authorization contained in section 3101 may not be obligated for advanced development for any warhead for the design or development of a new warhead for the Follow-on To Lance (FOTL) missile.

(2) Funds referred to in paragraph (1) may be obligated for advanced development for a warhead for the FOTL missile only if the Secretary of Energy certifies to the Committees on Armed Services of the Senate and House of Representatives that—

(A) such warhead is a cost effective use of the W84 warhead, the W85 warhead, or both the W84 and W85 warheads, as the case may be; or

(B) neither the W84 or W85 warhead is compatible with the FOTL missile.

(3) Any certification submitted pursuant to paragraph (2) shall be accompanied by a detailed explanation of the reasons for such certification.

(4) For purposes of this paragraph, the term "advance development" with respect to the FOTL missile means work under phase 1 or work under phase 2, other than design work under phase 2A.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and the Committees on Appropriations of the

Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1990 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3103(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3102, the Secretary of Energy may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—TECHNOLOGY TRANSFER

National Competitiveness Technology Transfer Act of 1989.
15 USC 3701 note.

SEC. 3131. SHORT TITLE

This part may be cited as the "National Competitiveness Technology Transfer Act of 1989".

15 USC 3701 note.

SEC. 3132. FINDINGS AND PURPOSES

(a) FINDINGS.—Congress finds that—

(1) technology advancement is a key component in the growth of the United States industrial economy, and a strong industrial base is an essential element of the security of this country;

(2) there is a need to enhance United States competitiveness in both domestic and international markets;

(3) innovation and the rapid application of commercially valuable technology are assuming a more significant role in near-term marketplace success;

(4) the Federal laboratories and other facilities have outstanding capabilities in a variety of advanced technologies and skilled scientists, engineers, and technicians who could contribute substantially to the posture of United States industry in international competition;

(5) improved opportunities for cooperative research and development agreements between contractor-managers of certain Federal laboratories and the private sector in the United States,

consistent with the program missions at those facilities, particularly the national security functions involved in atomic energy defense activities, would contribute to our national well-being; and

(6) more effective cooperation between those laboratories and the private sector in the United States is required to provide speed and certainty in the technology transfer process.

(b) PURPOSES.—The purposes of this part are to—

(1) enhance United States national security by promoting technology transfer between Government-owned, contractor-operated laboratories and the private sector in the United States; and

(2) enhance collaboration between universities, the private sector, and Government-owned, contractor-operated laboratories in order to foster the development of technologies in areas of significant economic potential.

SEC. 3133. AUTHORITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS

(a) TECHNOLOGY TRANSFER ACTIVITIES.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (a)—

(A) by inserting ", and, to the extent provided in an agency-approved joint work statement, the director of any of its Government-owned, contractor-operated laboratories" after "Government-operated Federal laboratories";

(B) by striking "for Government-owned" and inserting in lieu thereof "(in the case of a Government-owned, contractor-operated laboratory, subject to subsection (c) of this section) for" in paragraph (2); and

(C) by striking "of Federal employees" in paragraph (2);

(2) in subsection (b)—

(A) by inserting ", and, to the extent provided in an agency-approved joint work statement, a Government-owned, contractor-operated laboratory," after "Government-operated Federal laboratory";

(B) by striking "a Federal" in paragraph (2) and inserting in lieu thereof "a laboratory"; and

(C) by inserting after paragraph (5) the following:

"A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement under subsection (a)(1) may use or obligate royalties or other income accruing to such laboratory under such agreement with respect to any invention only (i) for payments to inventors; (ii) for the purposes described in section 14(a)(1)(B) (i), (ii), and (iv); and (iii) for scientific research and development consistent with the research and development mission and objectives of the laboratory.";

(3) in subsection (c)(3)(A), by striking "employee standards of conduct" and inserting in lieu thereof "standards of conduct for its employees";

(4) in subsection (c)(5)(A), by inserting "presented by the director of a Government-operated laboratory" after "any such agreement";

(5) in subsection (c)(5)(B), by inserting "by the director of a Government-operated laboratory" after "an agreement presented";

(6) in subsection (c)(5), by adding at the end the following new subparagraph:

"(C)(i) Any agency which has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement that is submitted by the director of such laboratory within 90 days after such submission. In any case where an agency has requested specific modifications to a joint work statement, the agency shall approve or disapprove any resubmission of such joint work statement within 30 days after such resubmission, or 90 days after the original submission, whichever occurs later. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the agreement under clause (iv) and approval under this clause of a joint work statement.

"(ii) In any case in which an agency which has contracted with a non-Federal entity to operate a laboratory disapproves or requests the modification of a joint work statement submitted under this section, the agency shall promptly transmit a written explanation of such disapproval or modification to the director of the laboratory concerned.

"(iii) Any agency which has contracted with a non-Federal entity to operate a laboratory or laboratories shall develop and provide to such laboratory or laboratories one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

"(iv) An agency which has contracted with a non-Federal entity to operate a laboratory shall review each agreement under this section. Within 30 days after the presentation, by the director of the laboratory, of such agreement, the agency shall, on the basis of such review, approve or request specific modification to such agreement. Such agreement shall not take effect before approval under this clause.

Reports.

"(v) If an agency fails to complete a review under clause (iv) within the 30-day period specified therein, the agency shall submit to the Congress, within 10 days after the end of that 30-day period, a report on the reasons for such failure. The agency shall, at the end of each successive 30-day period thereafter during which such failure continues, submit to the Congress another report on the reasons for the continuing failure. Nothing in this clause relieves the agency of the requirement to complete a review under clause (iv).

"(vi) In any case in which an agency which has contracted with a non-Federal entity to operate a laboratory requests the modification of an agreement presented under this section, the agency shall promptly transmit a written explanation of such modification to the director of the laboratory concerned.";

(7) in subsection (c), by adding at the end the following new paragraph:

Classified information.

"(7)(A) No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained in the conduct of research or as a result of activities under this Act from a non-Federal party participating in a cooperative research and development agreement shall be disclosed.

"(B) The director, or in the case of a contractor-operated laboratory, the agency, for a period of up to 5 years after development of information that results from research and development activities conducted under this Act and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code."; and

(8) in subsection (d)—

(A) by striking "and" at the end of paragraph (1);

(B) by amending paragraph (2) to read as follows:

"(2) the term 'laboratory' means—

"(A) a facility or group of facilities owned, leased, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government;

"(B) a group of Government-owned, contractor-operated facilities under a common contract, when a substantial purpose of the contract is the performance of research and development for the Federal Government; and

"(C) a Government-owned, contractor-operated facility that is not under a common contract described in subparagraph (B), and the primary purpose of which is the performance of research and development for the Federal Government,

but such term does not include any facility covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program; and"; and

(C) by adding at the end the following new paragraph:

"(3) the term 'joint work statement' means a proposal prepared for a Federal agency by the director of a Government-owned, contractor-operated laboratory describing the purpose and scope of a proposed cooperative research and development agreement, and assigning rights and responsibilities among the agency, the laboratory, and any other party or parties to the proposed agreement.".

(b) PRINCIPLES.—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by adding at the end the following new subsection:

"(g) PRINCIPLES.—In implementing this section, each agency which has contracted with a non-Federal entity to operate a laboratory shall be guided by the following principles:

"(1) The implementation shall advance program missions at the laboratory, including any national security mission.

"(2) Classified information and unclassified sensitive information protected by law, regulation, or Executive order shall be appropriately safeguarded.".

(c) TECHNICAL AMENDMENTS.—Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) in subsection (a)(1), by inserting "by Government-operated Federal laboratories" after "entered into"; and by striking "11" and inserting in lieu thereof "12";

(2) in subsection (a)(1)(B)(ii), by inserting ", including payments to inventors and developers of sensitive or classified technology, regardless of whether the technology has commercial applications" after "that laboratory"; and

(3) in subsection (a)(1)(B)(iv), by striking "Government-operated".

15 USC 3710a note.

(d) CONTRACT PROVISIONS.—(1) Not later than 150 days after the date of enactment of this Act, each agency which has contracted with a non-Federal entity to operate a Government-owned laboratory shall propose for inclusion in that laboratory's operating contract, to the extent not already included, appropriate contract provisions that—

(A) establish technology transfer, including cooperative research and development agreements, as a mission for the laboratory under section 11(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980;

(B) describe the respective obligations and responsibilities of the agency and the laboratory with respect to this part and section 12 of the Stevenson-Wydler Technology Innovation Act of 1980;

(C) require that, except as provided in paragraph (2), no employee of the laboratory shall have a substantial role (including an advisory role) in the preparation, negotiation, or approval of a cooperative research and development agreement if, to such employee's knowledge—

(i) such employee, or the spouse, child, parent, sibling, or partner of such employee, or an organization (other than the laboratory) in which such employee serves as an officer, director, trustee, partner, or employee—

(I) holds a financial interest in any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement; or

(II) receives a gift or gratuity from any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement; or

(ii) a financial interest in any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement, is held by any person or organization with whom such employee is negotiating or has any arrangement concerning prospective employment;

(D) require that each employee of the laboratory who negotiates or approves a cooperative research and development agreement shall certify to the agency that the circumstances described in subparagraph (C)(i) and (ii) do not apply to such employee;

(E) require the laboratory to widely disseminate information on opportunities to participate with the laboratory in technology transfer, including cooperative research and development agreements; and

(F) provides for an accounting of all royalty or other income received under cooperative research and development agreements.

(2) The requirements described in paragraph (1)(C) and (D) shall not apply in a case where the negotiating or approving employee advises the agency that reviewed the applicable joint work statement under section 12(c)(5)(C)(i) of the Stevenson-Wydler Technology Innovation Act of 1980 in advance of the matter in which he is to participate and the nature of any financial interest described in

paragraph (1)(C), and where the agency employee determines that such financial interest is not so substantial as to be considered likely to affect the integrity of the laboratory employee's service in that matter.

Reports.

(3) Not later than 180 days after the date of enactment of this Act, each agency which has contracted with a non-Federal entity to operate a Government-owned laboratory shall submit a report to the Congress which includes a copy of each contract provision amended pursuant to this subsection.

(4) No Government-owned, contractor-operated laboratory may enter into a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 unless—

(A) that laboratory's operating contract contains the provisions described in paragraph (1)(A) through (F); or

(B) such laboratory agrees in a separate writing to be bound by the provisions described in paragraph (1)(A) through (F).

(5) Any contract for a Government-owned, contractor-operated laboratory entered into after the expiration of 150 days after the date of enactment of this Act shall contain the provisions described in paragraph (1)(A) through (F).

(e) TECHNOLOGY TRANSFER FUNDING AND REPORT.—Section 11(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(b)) is amended—

(1) by striking "after September 30, 1981,";

(2) by striking "not less than 0.5 percent of the agency's research and development budget" and inserting in lieu thereof "sufficient funding, either as a separate line item or from the agency's research and development budget,";

(3) by striking "The agency head may waive" and all that follows through "waives such requirement, the" and inserting in lieu thereof "The"; and

(4) by striking "reasons for the waiver and alternate plans for conducting the technology transfer function at the agency." and inserting in lieu thereof "agency's technology transfer program for the preceding year and the agency's plans for conducting its technology transfer function for the upcoming year, including plans for securing intellectual property rights in laboratory innovations with commercial promise and plans for managing such innovations so as to benefit the competitiveness of United States industry.".

PART D—ENVIRONMENT, SAFETY, AND MANAGEMENT

SEC. 3141. DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM

42 USC 7274a.

Research and development.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish and carry out a program of research for the development of technologies useful for (1) the reduction of environmental hazards and contamination resulting from defense waste, and (2) environmental restoration of inactive defense waste disposal sites.

(b) COORDINATION OF RESEARCH ACTIVITIES.—(1) In order to ensure nonduplication of research activities by the Department of Energy regarding technologies referred to in subsection (a), the Secretary shall coordinate the research activities of the Department of Energy relating to the development of such technologies with the research activities of the Environmental Protection Agency, the Department of Defense, and other appropriate Federal agencies relating to the same matter.

(2) To the extent that funds are otherwise available for obligation, the Secretary may enter into cooperative agreements with the Environmental Protection Agency, the Department of Defense, and other appropriate Federal agencies for the conduct of research for the development of technologies referred to in subsection (a).

(c) REPORT.—(1) The Secretary shall submit to Congress not later than April 1 each year a report on the research activities of the Department of Energy for the development of technologies referred to in subsection (a). The report shall cover such activities for the fiscal year preceding the fiscal year in which the report is submitted. The Secretary shall include in the report the following:

(A) A description and assessment of each research program being carried out by or for the Department of Energy and the identification of the individual laboratory, contractor, or institution of higher education responsible for the research program.

(B) An assessment of the extent to which (i) there are practical applications of the technologies being researched, and (ii) such technologies will likely facilitate compliance by the Department of Energy with applicable environmental laws and regulations.

(C) An accounting of the funds allocated to each research program and to each laboratory, contractor, or institution of higher education carrying out the research program.

(D) An assessment of the research projects that have been coordinated with the Environmental Protection Agency, the Department of Defense, and other appropriate Federal agencies pursuant to subsection (b).

(2) The first report required by paragraph (1) shall be submitted not later than April 1, 1990.

(d) DEFINITIONS.—As used in this section:

(1) The term "defense waste" means waste, including radioactive waste, resulting primarily from atomic energy defense activities of the Department of Energy.

(2) The term "inactive defense waste disposal site" means any site (including any facility) under the control or jurisdiction of the Secretary of Energy which is used for the disposal of defense waste and is closed to the disposal of additional defense waste, including any site that is subject to decontamination and decommissioning.

42 USC 7236.

SEC. 3142. EXECUTIVE MANAGEMENT TRAINING IN THE DEPARTMENT OF ENERGY

(a) ESTABLISHMENT OF TRAINING PROGRAM.—The Secretary of Energy shall establish and implement a management training program for personnel of the Department of Energy involved in the management of atomic energy defense activities.

(b) TRAINING PROVISIONS.—The training program shall at a minimum include instruction in the following areas:

(1) Department of Energy policy and procedures for management and operation of atomic energy defense facilities.

(2) Methods of evaluating technical performance.

(3) Federal and State environmental laws and requirements for compliance with such environmental laws, including timely compliance with reporting requirements in such laws.

(4) The establishment of program milestones and methods to evaluate success in meeting such milestones.

(5) Methods for conducting long-range technical and budget planning.

(6) Procedures for reviewing and applying innovative technology to environmental restoration and defense waste management.

SEC. 3143. MAJOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

42 USC 7271a.

(a) Major Program Defined.—In this section, the term "major Department of Energy national security program" means a research and development program (which may include construction and production activities), a construction program, or a production program—

(1) that is designated by the Secretary of Energy as a major Department of Energy national security program; or

(2) that is estimated by the Secretary of Energy to cost more than $500,000,000 (based on fiscal year 1989 constant dollars).

(b) Required Reports.—(1) Except as provided in paragraph (3), the Secretary of Energy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives at the end of each calendar-year quarter a report on each major Department of Energy national security program.

(2) Each such report shall include, at a minimum, the following information:

(A) A description of the program, its purpose, and its relationship to the mission of the national security program of the Department of Energy.

(B) The program schedule, including estimated annual costs.

(C) A comparison of the current schedule and cost estimates with previous schedule and cost estimates, and an explanation of changes.

(3) A report under this section need not be submitted for the first, second, or third calendar-year quarter if the comparison between current schedule and cost estimates and schedule and cost estimates contained in the last submitted report shows that there has been—

(A) less than a 5 percent change in total program cost; and

(B) less than a 90-day delay in any significant schedule item of the program.

(c) Submission of Report.—Each report under this section shall be submitted not later than 30 days after the end of each calendar-year quarter. The first report shall cover the fourth quarter of 1989 and shall be submitted not later than January 30, 1990.

Reports.

(d) Identification of Programs.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives that identifies all programs of the Department of Energy that are major Department of Energy national security programs, as defined in subsection (a).

SEC. 3144. FIVE-YEAR BUDGET PLAN REQUIREMENT

42 USC 7271b.

(a) Plan Requirement.—The Secretary of Energy each year shall prepare a five-year budget plan for the national security programs of the Department of Energy. The plan shall contain the estimated

best copy available

expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMISSION OF PLAN.—The Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the plan required under subsection (a) at the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, United States Code.

PART E—MISCELLANEOUS PROVISIONS

42 USC 7256b.

SEC. 3151. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES

(a) PROHIBITION.—The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary considers the contractor's compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after the date of the enactment of this Act.

(b) REPORT ON ROCKY FLATS BONUSES.—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses to Rockwell International, the contractor operating the Rocky Flats Plant (Golden, Colorado), for purposes of determining whether the payment of such bonuses was made under fraudulent circumstances. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of that investigation, including the Secretary's conclusions and recommendations.

(c) DEFINITION.—In this section, the term "Department of Energy defense nuclear facility" has the meaning given such term by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(d) REGULATIONS.—The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3152. PREFERENCE FOR ROCKY FLATS WORKERS

In any contract awarded by the Secretary of Energy to carry out any cleanup, decontamination, or decommissioning of the Rocky Flats Plant (Golden, Colorado), the Secretary of Energy shall require the contractor to give first preference in hiring employees to those employees who worked at the Rocky Flats Plant before it was closed and who are qualified to carry out the duties of the positions, as determined by the contractor.

SEC. 3153. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT

(a) AUTHORIZATION.—(1) Using funds available pursuant to subsection (b), the Secretary of Energy shall make such payments as may be necessary—

Colorado.

(A) to carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado with respect to the Rocky Flats Plant; and

Water.

(B) to enable the State of Colorado to provide such assistance to the Colorado communities described in paragraph (2) as is necessary to ensure, through testing and related activities, that the drinking water of those communities is safe, pure, and clean.

(2) The Colorado communities referred to in paragraph (1)(B) are those communities whose water supply flows through, runs off, or is otherwise affected by air or water emissions of, the Rocky Flats Plant.

(b) FUNDING.—Of the funds appropriated to the Department of Energy for fiscal year 1990 pursuant to the authorization in this title for environmental restoration and management of defense waste, not more than $3,435,000 may be obligated to carry out the agreement referred to in subsection (a)(1)(A) and to provide for testing and related activities authorized under subsection (a)(2).

SEC. 3154. MORATORIUM ON INCINERATION OF RADIOACTIVE WASTE AT LOS ALAMOS NATIONAL LABORATORY

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste, including any waste containing radioactive constituents, until the earlier of the following dates:

(1) August 1, 1990.

(2) The date on which the State of New Mexico adopts regulations on emissions resulting from the incineration of radioactive waste.

SEC. 3155. PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

Section 1635 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2649), is amended—

(1) in subsection (b), by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", not including amounts spent exclusively to ensure the safety and security of the warheads."; and

(2) by adding at the end the following new subsection:

Reports.

"(d) The Secretary of Energy and the Secretary of Defense shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and shall include in such report the number of projectiles referred to in subsection (b) that have been produced and the total amount obligated for the production of such projectiles. Such report shall be submitted at the same time that the President submits the budget for fiscal year 1991 to Congress pursuant to section 1105 of title 31, United States Code.".

42 USC 7274b.

SEC. 3156. REPORTS IN CONNECTION WITH PERMANENT CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES

(a) TRAINING AND JOB PLACEMENT SERVICES PLAN.—Not later than 120 days before a Department of Energy defense nuclear facility (as defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286(g)) permanently ceases all production and processing operations, the Secretary of Energy must submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a discussion of the training and job placement services needed to enable the employees at such facility to obtain employment in the environmental remediation and cleanup activities at such facility. The discussion shall include the actions that should be taken by the contractor operating and managing such facility to provide retraining and job placement services to employees of such contractor.

(b) CLOSURE REPORT.—Upon the permanent cessation of production operations at a Department of Energy defense nuclear facility, the Secretary of Energy shall submit to Congress a report containing—

(1) a complete survey of environmental problems at the facility;

(2) budget quality data indicating the cost of environmental restoration and other remediation and cleanup efforts at the facility; and

(3) a discussion of the proposed cleanup schedule.

SEC. 3157. DEFENSE PROGRAM MISSIONS

Section 91 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new clauses:

"(3) provide for safe storage, processing, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs;

"(4) carry out research on and development of technologies needed for the effective negotiation and verification of international agreements on control of special nuclear materials and nuclear weapons; and

"(5) under applicable law (other than this paragraph) and consistent with other missions of the Department of Energy, make transfers of federally owned or originated technology to State and local governments, private industry, and universities or other nonprofit organizations so that the prospects for commercialization of such technology are enhanced.".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION

There are authorized to be appropriated for fiscal year 1990 $7,000,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

PART A—CHANGES IN STOCKPILE AMOUNTS

50 USC 98b note.

SEC. 3301. CHANGES IN STOCKPILE REQUIREMENTS

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

Material	Current quantity	Revised quantity
Aluminum oxide, abrasive grain group	638,000 short tons (contained)	374,000 short tons (contained)
Antimony	36,000 short tons	88,500 short tons
Asbestos, amosite	17,000 short tons	0 short tons
Bauxite, refractory	1,400,000 long calcined tons	1,240,000 long calcined tons
Bismuth	2,200,000 pounds	1,060,000 pounds
Chromite, refractory grade ore	850,000 short dry tons	695,000 short dry tons
Columbium group	4,850,000 pounds (contained)	12,520,000 pounds (contained)
Diamond, industrial group	29,730,000 carats	7,730,000 carats
Fluorspar, acid grade	1,400,000 short dry tons	900,000 short dry tons
Fluorspar, metallurgical grade	1,700,000 short dry tons	310,000 short dry tons
Graphite, natural, malagasy, crystalline	20,000 short tons	14,200 short tons
Graphite, natural, other than Ceylon and Malagasy	2,800 short tons	1,930 short tons
Manganese, battery grade group	87,000 short dry tons	50,000 short dry tons
Mica, muscovite block, stained and better	6,200,000 pounds	2,500,000 pounds
Natural insulation fibers	1,500,000 pounds	0 pounds
Platinum group metals, iridium	98,000 troy ounces	86,000 troy ounces
Platinum group metals, palladium	3,000,000 troy ounces	2,150,000 troy ounces
Quartz crystals	600,000 pounds	240,000 pounds
Talc, steatite block and lump	28 short tons	0 short tons
Tungsten group	50,666,000 pounds (contained)	70,900,000 pounds (contained)

42 USC 98d note.

SEC. 3302. AUTHORIZED DISPOSALS

(a) AUTHORITY.—During fiscal years 1990 and 1991, the National Defense Stockpile Manager may dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed $180,000,000 during each of such fiscal years, and such disposal may be made only as specified in subsection (b).

(b) MATERIALS AUTHORIZED TO BE DISPOSED.—Any disposal under subsection (a) shall be made from quantities of materials in the National Defense Stockpile previously authorized for disposal by law or, in the case of materials in the National Defense Stockpile that have been determined to be excess to the current requirements of the stockpile, in accordance with the following table:

Material	Quantities
Asbestos, amosite	34,000 short tons
Bismuth	255,400 pounds
Diamond, industrial, crushing bort	8,000,000 carats
Fluorspar, metallurgical grade	15,000 short dry tons
Graphite, natural, Malagasy, crystalline	3,635 short tons
Graphite, natural, other than Ceylon and Malagasy	873 short tons
Mercury	15,000 flasks
Mica, muscovite block, stained and better	10,000 pounds
Silicon carbide	690 short tons
Talc, block and lump	28 short tons
Tin	5,000 metric tons

(c) Additional Authority.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

(d) Limitation on Disposals During Fiscal Years 1990 and 1991.—The National Defense Stockpile Manager may dispose of materials under this section during each of the fiscal years 1990 and 1991 only to the extent that the total amount received (or to be received) from such disposals for each such fiscal year does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3303. AUTHORIZATION OF ACQUISITIONS

(a) Acquisitions.—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall obligate $180,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) Upgrade Programs.—Of the amount specified in subsection (a), at least $30,000,000 shall be obligated during each of such fiscal years for programs not already required by law for upgrading stockpile materials.

President of U.S.

Part B—Programmatic Changes

SEC. 3311. STRATEGIC AND CRITICAL MATERIALS DEVELOPMENT, RESEARCH, AND CONSERVATION

Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended by adding at the end the following new subsections:

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 3(a) to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or

"(2) more efficient methods of production or use of such material.".

SEC. 3312. DEVELOPMENT OF DOMESTIC SOURCES

(a) AUTHORITY OF THE PRESIDENT.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"DEVELOPMENT OF DOMESTIC SOURCES

President of U.S.
50 USC 98h-6.

"SEC. 15. (a) Subject to subsection (c) and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources for materials determined pursuant to section 3(a) to be strategic and critical materials—

"(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

"(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

"(b) A contract or commitment made under subsection (a) may not exceed five years from the date of the contract or commitment. Such purchases and commitments to purchase may be made for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

"(c)(1) Descriptions of proposed transactions under subsection (a) shall be included in the appropriate annual materials plan submitted to Congress under section 11(b). Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 5(a)(2).

"(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent that funds in the National Defense Stockpile Transaction Fund are adequate to meet such obligations. Payments required to be as a result of obligations incurred under this section shall be made from amounts in the fund.

"(d) The authority of the President under subsection (a) includes the authority to pay—

"(1) the expenses of transporting materials; and

"(2) other incidental expenses related to carrying out such subsection.

"(e) The President shall include in the reports required under section 11(a) information with respect to activities conducted under this section.".

(b) USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(F) Activities authorized under section 15.".

SEC. 3313. NATIONAL DEFENSE STOCKPILE MANAGER

50 USC 98e-1, 98h-7.

(a) REDESIGNATION AND TRANSFER OF SECTION.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e-1) is—

(1) transferred to appear after section 15 of such Act (as added by section 3312); and

(2) redesignated as section 16.

50 USC 98h-7.

(b) AUTHORITY OF THE PRESIDENT.—Such section (as redesignated and transferred) is amended—

(1) by striking out "sections 7, 8, and 13" each place it appears and inserting in lieu thereof "sections 7 and 13";

(2) by adding at the end of subsection (c) the following new sentence: "The President may not delegate functions of the President under sections 7 and 13."; and

(3) by striking out "section 6(b) or 6(d)" in subsection (d) and inserting in lieu thereof "section 6(a)(6)".

SEC. 3314. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3);

(B) by inserting "and" at the end of paragraph (1); and

(C) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(2) by striking out "paragraph (1), (2), or (3)" in subsection (d) and inserting in lieu thereof "paragraph (1) or (2)".

SEC. 3315. INFORMATION INCLUDED IN REPORTS TO CONGRESS

Section 11(a)(5) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)(5)) is amended by striking out "made from the fund" and inserting in lieu thereof "made to the fund, and obligations to be made from the fund,".

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated $151,535,000 for fiscal year 1990 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

Panama Canal Commission Authorization Act, Fiscal Year 1990.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE

This title may be referred to as the "Panama Canal Commission Authorization Act, Fiscal Year 1990".

SEC. 3502. AUTHORIZATION OF EXPENDITURES

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.), for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1990, except that not more than $52,000 for such fiscal year may be expended for official reception and representation functions, of which—

(1) not more than $12,000 may be expended for such purposes by the supervisory board for the Commission;

(2) not more than $6,000 may be expended for such purposes by the Secretary of the Commission; and

(3) not more than $34,000 may be expended for such purposes by the Administrator of the Commission.

(b) PURCHASE OF PASSENGER MOTOR VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3503. NOTIFICATION REQUIREMENTS

22 USC 3872.

The Panama Canal Commission shall provide written advance notification to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Armed Services of the Senate regarding—

(1) any proposed change in the rates of tolls for use of the Panama Canal;

(2) any payment estimated to be due the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977, as provided by section 1341 of the Panama Canal Act of 1979 (22 U.S.C. 3751); and

(3) the initiation of any major capital acquisition or construction project exceeding $10,000,000 unless the proposed acquisition or project was included in the budget estimates submitted to Congress for the fiscal year in which the acquisition or project is to be undertaken.

SEC. 3504. GENERAL PROVISIONS

(a) PAY INCREASES.—Funds for the Panama Canal Commission may be obligated, notwithstanding section 1341 of title 31, United States Code, to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) EXPENSES IN ACCORDANCE WITH LAW.—Expenditures authorized under this title may be made only in accordance with the

Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Approved November 29, 1989.

LEGISLATIVE HISTORY—H.R. 2461 (S. 1352) (S. 1445) (S. 1446):

HOUSE REPORTS: No. 101-121 (Comm. on Armed Services) and No. 101-331 (Comm. of Conference).
SENATE REPORTS: No. 101-81 accompanying S. 1352 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 135 (1989):
July 24-27, considered and passed House. S. 1352 considered in Senate.
July 31, Aug. 1, S. 1352 considered in Senate.
Aug. 2, S. 1352 and S. 1446 considered and passed Senate.
Aug. 4, H.R. 2461 considered and passed Senate, amended, in lieu of S. 1352.
Nov. 9, House agreed to conference report.
Nov. 15, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Nov. 29, Presidential statement.

Public Law 101-190
101st Congress

An Act

To provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes.

Nov. 29, 1989
[S. 1390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR CONTRACT FOR CONSTRUCTION OF BIOMEDICAL RESEARCH FACILITIES.

42 USC 289e note.

(a) In General.—Of the aggregate amounts appropriated for fiscal years 1990 and 1991 to carry out the purposes of title IV of the Public Health Service Act through the National Institutes of Health, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, may reserve not more than $25,000,000 for entering into a contract with a public or nonprofit private entity for constructing facilities for the purpose of the development and breeding of specialized strains of mice (including inbred and mutant mice) for use in biomedical research.

(b) Competitive Award Process.—The contract under subsection (a) may be awarded only on a competitive basis after review in accordance with section 4(a).

SEC. 2. TWENTY-YEAR OBLIGATION WITH RESPECT TO BREEDING OF SPECIALIZED MICE FOR BIOMEDICAL RESEARCH.

42 USC 289e note.

(a) In General.—The Secretary may not enter into a contract under section 1 unless, subject to subsection (b), the applicant for the contract agrees that—

(1) throughout the 20-year period beginning 90-days after the date of the completion of the construction of facilities pursuant to the contract, the facilities will be utilized only for the purpose described in section 1(a);

(2) during such period, the applicant will, to the extent practicable, develop and breed such mice in numbers sufficient to assist in meeting the need for such mice in biomedical research conducted or supported by the Secretary; and

(3) during such period, the applicant will, upon the request of the Secretary, sell such mice to the Secretary for purposes of such research at a price reasonably related to the cost of the production of the mice.

(b) Transfer of Obligation.—

(1) In general.—With respect to the obligation under subsection (a), the contractor under section 1 (and any transferee or purchaser under this subsection) may—

(A) transfer the obligation to a public or nonprofit private entity if the proposed transferee has entered into a contract with the Secretary to assume the obligation; and

(B) convey its interest in the facilities involved if the proposed purchaser of the interest is a public or nonprofit entity that has entered into a contract with the Secretary to assume the obligation.

(2) TRANSFER PRIOR TO COMPLETION OF CONSTRUCTION.—If, for purposes of paragraph (1), a transfer or conveyance is proposed to be made before the completion of the construction of facilities pursuant to section 1, the Secretary may not authorize the transfer or conveyance unless the agreement involved provides that the transferee or purchaser will assume all remaining responsibilities under any agreements made pursuant to this Act by the contractor under such section and the Federal Government.

(3) TERMINATION OF OBLIGATION.—If, for purposes of paragraphs (1) and (2), a transfer or conveyance is made in accordance with such paragraphs, the obligation pursuant to subsection (a), and all other responsibilities pursuant to this Act, of the transferor involved shall terminate.

(c) REQUIREMENT OF STATUS AS PUBLIC OR NONPROFIT PRIVATE ENTITY.—The Secretary may not enter into any agreement under subsection (a) or (b) unless the agreement provides that the obligation involved includes the requirement that the obligation may be satisfied only by a public or nonprofit private entity.

(d) ASSURANCES OF SUFFICIENT FINANCIAL RESOURCES.—

(1) ORIGINAL CONTRACTOR.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract provides assurances satisfactory to the Secretary that, throughout the 20-year period described in subsection (a), the applicant will have access to financial resources sufficient to comply with the agreement under such subsection.

(2) TRANSFEREES AND PURCHASERS.—The Secretary may not approve a transfer or conveyance under subsection (b) unless the transferee or purchaser provides assurances satisfactory to the Secretary that, throughout the remaining portion of the 20-year period described in subsection (a), the transferee or purchaser will have access to financial resources sufficient to comply with its obligation pursuant to such subsection.

42 USC 289e note.

SEC. 3. REQUIREMENT OF MATCHING FUNDS.

(a) IN GENERAL.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such section, to make available (directly or through donations from public or private entities) contributions toward such costs in an amount equal to $1 for each $3 of Federal funds provided pursuant to the contract under section 1.

(b) DETERMINATION OF AMOUNT OF CONTRIBUTION.—Contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including existing plant and equipment or services throughout the 20-year period described in section 2(a)(1) (and including such specialized strains of mice as the Secretary may request for purposes of biomedical research). Amounts provided by any agency of the Federal Government other than the Department of Health and Human Services, and services assisted or subsidized by any such agency, shall be included in the amount of such contributions.

42 USC 289e note.

SEC. 4. ADDITIONAL REQUIREMENTS.

(a) SUBMISSION AND APPROVAL OF CONSTRUCTION PLAN.—

(1) IN GENERAL.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract submits to the Secretary a plan for the construction of facilities pursuant to such section and unless the Secretary approves the plan. The Secretary may not approve such a plan unless the plan has been recommended for approval by the panel convened under paragraph (2)(A).

(2) EXPERT PANEL FOR ADVISING SECRETARY WITH RESPECT TO PLAN.—

(A) The Secretary shall convene a panel of appropriately qualified individuals for the purpose of providing architectural, financial, and scientific advice to the Secretary regarding appropriate standards and specifications for the construction, financing, and use of facilities pursuant to section 1. The panel may not approve a plan submitted under paragraph (1) unless the panel determines that amounts provided in the contract under section 1 will not, during the twenty-year period described in section 2(a), be expended to increase significantly, relative to April 1989, the sale of mice other than mutant and inbred strains of mice necessary for the conduct of biomedical research.

(B) Members of the panel convened under paragraph (1) who are officers or employees of the United States may not receive compensation for service on the panel in addition to the compensation otherwise received for duties carried out as such officers or employees. Other members of such panel shall receive compensation for each day (including traveltime) engaged in carrying out the duties of the panel. Such compensation may not be in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(b) SITE OF CONSTRUCTION.—The Secretary may not enter into a contract under section 1 unless—

(1) the applicant for the contract provides to the Secretary a description of the site for the construction of facilities pursuant to such section; and

(2) the Secretary determines that title to the site is vested in the applicant or that the applicant has a sufficient possessory interest in such site for the twenty-year period described in section 2(a).

(c) REQUIREMENT OF APPLICATION.—The Secretary may not enter into a contract under section 1 unless—

(1) an application for the contract is submitted to the Secretary;

(2) the application contains the agreements required in this Act and provides assurances of compliance satisfactory to the Secretary; and

(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this Act.

SEC. 5. FAILURE TO COMPLY WITH AGREEMENTS.

42 USC 289e note.

(a) REPAYMENT OF PAYMENTS.—

(1) IN GENERAL.—The Secretary may, subject to subsection (c), require the contractor under section 1 to repay any payments received under such section by the contractor that the Secretary

determines were not expended by the contractor in accordance with the agreements required to be contained in the application submitted by the contractor pursuant to section 4(c).

(2) OFFSET AGAINST CURRENT PAYMENTS.—If a contractor under section 1 fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid under such section to the contractor.

(b) WITHHOLDING OF PAYMENTS.—

(1) IN GENERAL.—The Secretary may, subject to subsection (c), withhold payments due under section 1 if the Secretary determines that the contractor under such section is not expending payments received under such section in accordance with the agreements required to be contained in the application submitted by the contractor pursuant to section 4(c).

(2) TERMINATION OF WITHHOLDING.—The Secretary shall cease withholding payments under paragraph (1) if the Secretary determines that there are reasonable assurances that the contractor under section 1 will expend amounts received under such section in accordance with the agreements referred to in such paragraph.

(3) EFFECT OF MINOR NONCOMPLIANCE.—The Secretary may not withhold funds under paragraph (1) from the contractor under section 1 for a minor failure to comply with the agreements referred to in such paragraph.

(c) OPPORTUNITY FOR HEARING.—Before requiring repayment of payments under subsection (a)(1), or withholding payments under subsection (b)(1), the Secretary shall provide to the contractor under section 1 an opportunity for a hearing conducted within the State in which facilities are constructed pursuant to such section.

42 USC 289e note.

SEC. 6. RECOVERY PROCEEDINGS FOR VIOLATION OF REQUIREMENT WITH RESPECT TO MINIMUM PERIOD OF BREEDING OF SPECIALIZED MICE.

(a) RIGHT OF RECOVERY.—If the contractor under section 1, or any transferee or purchaser under section 2, violates its obligation under such section (including any violation under subsection (c) of such section), the United States shall be entitled to recover an amount equal to the sum of—

(1) an amount determined in accordance with paragraph (1)(A) of subsection (b); and

(2) an amount determined in accordance with paragraph (2)(A) of such subsection.

(b) DETERMINATION OF AMOUNTS.—

(1) FEDERAL PERCENTAGE OF FAIR MARKET VALUE.—

(A) The amount referred to in paragraph (1) of subsection (a) is the product of—

(i) an amount equal to the fair market value, during the period in which recovery is sought under subsection (a), of the facilities constructed pursuant to section 1, as determined in accordance with subparagraph (B); and

(ii) a percentage equal to the quotient of—

(I) the total amounts provided by the Federal Government for the construction of such facilities; divided by

(II) the total costs of the construction of such facilities.

(B) For purposes of subparagraph (A)(i), fair market value shall be determined through—

(i) an agreement entered into by the United States and the entity from whom the United States is seeking recovery under subsection (a); or

(ii) an action brought in the district court of the United States for the district in which the facilities involved are located.

(2) INTEREST.—

(A) The amount referred to in paragraph (2) of subsection (a) is an amount representing interest on the amount determined under paragraph (1). Such interest shall accrue during the period described in subparagraph (B) and shall accrue at a rate determined by the Secretary on the basis of the average of the bond equivalent of the weekly 90-day Treasury bill auction rate.

(B) The period referred to in subparagraph (A) is the period—

(i) beginning on the date of the violation of the obligation under section 2, or if the entity involved provides notice to the Secretary of the violation not later than 10 days after the date of the violation, beginning on the expiration of the 180-day period beginning on the date that the notice is received by the Secretary; and

(ii) ending on the date on which the United States collects the amount determined under paragraph (1).

(c) WAIVER OF RECOVERY RIGHTS.—The Secretary may waive, in whole or in part, the right of the United States to recover amounts under this section for good cause shown, as determined by the Secretary.

(d) CLARIFICATION WITH RESPECT TO LIEN ON FACILITIES.—The right of recovery of the United States under subsection (a) shall not constitute a lien on the facilities involved with respect to which such recovery is sought.

42 USC 289e note.

SEC. 7. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 8. TECHNICAL AMENDMENT WITH RESPECT TO AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Section 496 of the Public Health Service Act (42 U.S.C. 289e) is amended—

(1) by striking the first sentence;

(2) by inserting "(a)" after the section designation; and

(3) by adding at the end the following new subsection:

"(b)(1) None of the amounts appropriated under this Act for the purposes of this title may be obligated for the construction of facilities (including the acquisition of land) unless a provision of this title establishes express authority for such purpose and unless the Act making appropriations under such provision specifies that the amounts appropriated are available for such purpose.

"(2) Any grants, cooperative agreements, or contracts authorized in this title for the construction of facilities may be awarded only on a competitive basis.".

Approved November 29, 1989.

LEGISLATIVE HISTORY—S. 1390:

SENATE REPORTS: No. 101-101 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
    Aug. 4, considered and passed Senate.
    Nov. 13, considered and passed House, amended.
    Nov. 16, Senate concurred in House amendments.

Public Law 101-191
101st Congress

An Act

To authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes.

Nov. 29, 1989
[S. 338]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

16 USC 1244 note.

(a) FINDINGS.—The Congress finds that—

(1) the nineteenth century American westward movement was an important cultural event in shaping the postcolonial history of the United States;

(2) the nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religious groups, and scientists; and

(3) additional recognition and interpretation is appropriate in light of the national scope of the nineteenth century American westward movement.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the system of western trails established in furtherance of the National Trails System Act because of their national historic and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

16 USC 1244 note.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting the history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within 18 months after the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a detailed description of the design of the facility;

(B) a description of the site;

(C) the method of acquisition;

(D) the estimated cost of acquisition, construction, operation and maintenance; and

(E) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation, and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc., and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

Real property. Gifts and property.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, for the construction of the center authorized in subsection (a). Federal funds to carry out this section may only be expended on a two-for-one matching basis with non-Federal funds, services, materials, or lands, fairly valued as determined by the Secretary, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agree to operate and maintain the center and make no major alteration of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENTS FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities to provide technical assistance with respect to the center.

(f) SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.—Any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is conveyed to the Secretary for the purpose of developing the center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

16 USC 1244 note.

There is authorized to be appropriated not more than $8,400,000 to carry out this Act.

Approved November 29, 1989.

LEGISLATIVE HISTORY—S. 338 (H.R. 952):

HOUSE REPORTS: No. 101-146 accompanying H.R. 952 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-62 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
July 14, considered and passed Senate.
July 17, H.R. 952 considered and passed House.
Nov. 17, S. 338 consider and passed House, amended. Senate concurred in House amendment.

Public Law 101-192
101st Congress

An Act

Nov. 29, 1989
[S. 737]

To adjust the boundary of Rocky Mountain National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Gifts and property.
Real property.
Public information.
16 USC 192b-10.

SECTION 1. BOUNDARY ADJUSTMENT.

(a) Acquisition and Boundary Change.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by donation, purchase with donated or appropriated funds, or by exchange, lands or interests therein within the area generally depicted as "Proposed Park Additions" on the map entitled "Proposed Park Additions, Rocky Mountain National Park", numbered 121-80, 106-A and dated May, 1989, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Upon acquisition of such lands, the Secretary shall revise the boundary of Rocky Mountain National Park to include such lands within the park boundary and shall administer such lands as part of the park subject to the laws and regulations applicable thereto.

(b) Boundary Adjustment for Roosevelt National Forest.—Upon acquisition of such lands by the Secretary, the Secretary of Agriculture shall revise the boundary of the Roosevelt National Forest to exclude such lands from the national forest boundary.

Colorado.

(c) Agreement.—The Secretary is authorized to enter into an agreement with the owner of the lands identified as Tract 1127 and 1127B4, Section 23, Township 3 North, Range 73, Boulder County, Colorado, within the boundaries of Rocky Mountain National Park, to ensure the right of use as a single family residence, unless said property is being developed or is officially proposed to be developed by the owners in a manner which would substantially change its use.

Approved November 29, 1989.

LEGISLATIVE HISTORY—S. 737 (H.R. 1606):

HOUSE REPORTS: No. 101-252, accompanying H.R. 1606 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-74 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Sept. 15, considered and passed Senate.
Sept. 25, H.R. 1606 considered and passed House; proceedings vacated and S. 737, amended, passed in lieu.
Nov. 15, Senate concurred in House amendments with an amendment.
Nov. 17, House concurred in Senate amendment.

Public Law 101-193
101st Congress

An Act

To authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Nov. 30, 1989
[H.R. 2748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1990".

Intelligence Authorization Act, Fiscal Year 1990.

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1990 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1990, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany H.R. 2748 of the One Hundred First Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

President of U.S.

PERSONNEL CEILING ADJUSTMENTS

Sec. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1990 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1990 the sum of $26,900,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1990. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1990, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1990, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1990, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1990 the sum of $154,900,000.

ELIGIBILITY FOR ANNUITY

SEC. 302. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

50 USC 403 note.

(1) by redesignating section 236 as section 237; and

(2) by inserting after section 235 the following new section:

"ELIGIBILITY FOR ANNUITY

"SEC. 236. A participant must complete, within the last two years before any separation from service, except a separation because of death or disability, at least one year of creditable civilian service during which he or she is subject to this title before he or she or his or her survivors are eligible for an annuity under this title based on the separation. If a participant, except a participant separated from the service because of death or disability, fails to meet the service requirement of the preceding sentence, the amounts deducted from his or her pay during the period for which no eligibility is established based on the separation shall be returned to him or her on the separation. Failure to meet this service requirement does not deprive the individual or his or her survivors of annuity rights which attached on a previous separation.".

PRECEDENCE OF SECTION 224 SURVIVOR BENEFITS OVER SECTION 232 DEATH-IN-SERVICE BENEFITS

SEC. 303. Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

50 USC 403 note.

(1) by adding at the end of paragraph (1) thereof the following new sentence: "Payment of death-in-service benefits for former spouses is also subject to paragraph (4) of this subsection."; and

(2) by adding after paragraph (3) thereof the following:

"(4) If a former spouse eligible for death-in-service benefits under provisions of this section is or becomes eligible for survivor benefits under section 224, the benefits provided under this section will not be payable and will be superseded by the benefits provided in section 224.".

COMPUTATION OF SURVIVOR BENEFIT FOR FORMER SPOUSES

SEC. 304. (a) Section 224(a)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by striking out "and also by an amount" and all that follows through "by the United States".

50 USC 403 note.

(b) The amendment made by this section shall be effective as of October 1, 1986.

Effective date.
50 USC 403 note.

SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN CIA EMPLOYEES' SERVICE ABROAD

SEC. 305. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN EMPLOYEES' SERVICE ABROAD

50 USC 403r.

"SEC. 18. (a) Notwithstanding any provision of chapter 83 of title 5, United States Code, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b).

"(b)(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer's or employee's first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5, United States Code, that is normally applicable only to so much of an employee's total service as exceeds ten years.

"(2) The portion of the annuity relating to service abroad as described in subsection (a) but that is actually performed at any time after the officer's or employee's first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5, United States Code; but, in addition, the officer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer's or employee's annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

"(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) shall be computed as provided in the provisions of section 8339(a) of title 5, United States Code, that would otherwise be applicable to such service.

"(4) For purposes of this subsection, the term 'total service' has the meaning given such term under chapter 83 of title 5, United States Code.

"(c) For purposes of subsections (f) through (m) of section 8339 of title 5, United States Code, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o) of section 8339 of title 5, United States Code.

"(d) The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5, United States Code.".

PORTABILITY OF OVERSEAS SERVICE RETIREMENT BENEFIT

50 USC 403r-1.

SEC. 306. The special accrual rates provided by section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees and by section 18 of the Central Intelligence Agency Act of 1949 for computation of the annuity of an individual who has served abroad as an officer or employee of the Central Intelligence Agency shall be used to compute that portion of the annuity of such individual relating to such service abroad whether or not the individual is employed by the Central Intelligence Agency at the time of retirement from Federal service.

DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS

SEC. 307. (a) The Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), is amended by adding after section 18 the following new section:

"SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES

"SEC. 19. (a) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who— 50 USC 403s.

"(i) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under section 203; and

"(iv) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in such section 231, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

"(b) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who—

"(i) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

"(iv) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code—

such widow or widower, former spouse, and/or child or children of such officer or employee shall be entitled to an annuity computed in accordance with such section 232, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

"(c) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

"(i) has completed at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

"(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

"(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

"(iv) satisfies the requirements for disability retirement under subchapter V of chapter 84, title 5, United States Code—

shall, on the officer's or employee's own application or an application by the Director, be retired on an annuity computed as if the officer or employee, prior to becoming disabled, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the annuity amount that would otherwise be computed under subchapter V of chapter 84 of title 5, United States Code.

"(d) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

"(i) has at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

"(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

"(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

"(iv) is survived by a widow or widower, former spouse, and/or child or children as defined in section 8441 of title 5, United States Code, who would be entitled to a lump-sum survivor benefit, a survivor annuity and/or if applicable, a supplementary annuity, under subchapter IV of chapter 84, title 5, United States Code—

the survivor benefit or benefits of such widow or widower, former spouse, and/or child or children shall be computed as if the officer or employee, prior to death, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the benefit amount or amounts that would otherwise be computed pursuant to subchapter IV of chapter 84, title 5, United States Code.

"(e)(1) The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, and shall be payable from the

Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"(2) The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities and/or benefits, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.".

(b) The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end of title II the following new section:

"PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES

"SEC. 295. Notwithstanding any other provision of law, the amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.".

50 USC 403 note.

TITLE IV—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

REMOTE SENSING PROCUREMENT AUTHORITY

SEC. 401. In the performance of its functions, the Central Intelligence Agency may use its funds to procure commercial remote sensing data by whatever means the Agency deems to be appropriate notwithstanding any provision of law directing the procurement of such data through other Government agencies.

TITLE V—IMPROVEMENTS TO PERSONNEL AUTHORITIES FOR INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE

SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY

SEC. 501. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1592. Foreign language proficiency: special pay

"(a) The Secretary of Defense may pay special pay under this section to a civilian officer or employee of the Department of Defense who—

"(1) has been certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the Department is important for the effective collection, production, or dissemination of foreign intelligence information; and

"(2) is serving in a position, or is subject to assignment to a position, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.

"(b) The annual rate of special pay under subsection (a) shall be determined by the Secretary of Defense.

"(c) Special pay under this section may be paid in addition to any compensation authorized under section 1604(b) of this title for which an officer or employee is eligible.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1592. Foreign language proficiency: special pay.".

Effective date.
50 USC 1592 note.

(b) Section 1592 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning on or after the later of—

(1) October 1, 1989, or

(2) the date of the enactment of this Act.

DEFENSE INTELLIGENCE COLLEGE GIFT ACCEPTANCE AUTHORITY

SEC. 502. (a) Chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following new section:

Real property.

"§ 2607. Acceptance of gifts for the Defense Intelligence College

"(a) The Secretary of Defense may accept, hold, administer, and use any gift (including any gift of an interest in real property) made for the purpose of aiding and facilitating the work of the Defense Intelligence College and may pay all necessary expenses in connection with the acceptance of such a gift.

"(b) Money, and proceeds from the sale of property, received as a gift under subsection (a) shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary of Defense to the extent provided in annual appropriation Acts.

"(c) Subsection (c) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

"(d) In this section, the term 'gift' includes a bequest of personal property or a devise of real property.".

(b) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

"2607. Acceptance of gifts for the Defense Intelligence College.".

PERMANENT AUTHORITY TO TERMINATE EMPLOYMENT OF CIVILIAN INTELLIGENCE OFFICERS AND EMPLOYEES OF MILITARY DEPARTMENTS AND OF THE DEFENSE INTELLIGENCE AGENCY

SEC. 503. (a) Section 1590(e)(1) of title 10, United States Code, is amended by striking out ", during fiscal years 1988 and 1989,".

(b) Section 1604(e)(1) of such title is amended by striking out ", during fiscal years 1988 and 1989,".

DEFENSE ATTACHÉ DEATH GRATUITY

Armed Forces.
Terrorism.

SEC. 504. (a) During fiscal year 1990, the Secretary of Defense may pay a death gratuity identical to that payable under section 1489(b) of title 10, United States Code, to the surviving dependents of a member of the Armed Forces who, while serving on active duty assigned to a Defense attaché office outside the United States, died as a result of hostile or terrorist activities.

(b) The death gratuity referred to in subsection (a) may be paid with respect to an individual who died on or after June 15, 1988.

Reports.

(c) The Secretary of Defense shall submit to Congress no later than March 1, 1990, a report concerning the advisability of permanent law permitting the payment of death gratuities to the survivors of any member of the armed services who, while on active duty assigned to a Defense attaché office outside the United States, dies as a result of hostile or terrorist activities.

SPECIAL ANNUITY COMPUTATION RULES FOR PERIODS OF SERVICE ABROAD FOR CERTAIN DIA AND NSA EMPLOYEES

SEC. 505. (a) Section 1605(a) of title 10, United States Code, is amended—

(1) by striking out "who are subject to chapter 84 of title 5," in the last sentence; and

(2) by striking out the period at the end and inserting in lieu thereof "and in section 18 of the Central Intelligence Agency Act of 1949.".

(b) Section 9(b) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in paragraph (1)(B), by striking "(including special" and all that follows through "note)); and" and inserting in lieu thereof a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) and in section 18 of the Central Intelligence Agency Act of 1949.".

REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF UNITED STATES ARMY RUSSIAN INSTITUTE

8 USC 1430 note.

SEC. 506. (a) For purposes of section 319(c) of the Immigration and Nationality Act (8 U.S.C. 1430(c)), the United States Army Russian Institute, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of this section.

Effective date.

(b) Subsection (a) shall apply with respect to periods of employment before, on, or after the date of the enactment of this Act.

Naturalized persons.

(c) No more than two persons per year may be naturalized based on the provisions of subsection (a).

Reports.

(d) Each instance of naturalization based on the provisions of subsection (a) shall be reported to the Committees on the Judiciary of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to such naturalization.

DEFENSE INTELLIGENCE AGENCY ACQUISITION OF CRITICAL SKILLS

SEC. 507. (a)(1) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1608. Financial assistance to certain employees in acquisition of critical skills

Education.

"(a) The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees of the Defense Intelligence Agency that is similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

"(b) Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

"1608. Financial assistance to certain employees in acquisition of critical skills.".

Effective date.
10 USC 1608 note.

(b) Section 1608 of title 10, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

TITLE VI—FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

102 Stat. 1911.

SEC. 601. (a) Section 601(a)(2) of the Intelligence Authorization Act, Fiscal Year 1989 is amended by striking out "who are subject by policy and practice to directed geographical transfer or reassignment".

Effective date.

(b) The amendment made by subsection (a) shall take effect on October 1, 1989.

President of U.S.

(c) In preparing for submission to the Congress the Budget of the United States for Fiscal Year 1991, the President shall take into account and, to the greatest extent possible, incorporate into such budget the recommendations of the National Advisory Commission on Law Enforcement as established by section 6160 of the Anti-Drug Abuse Act of 1988.

PERSONNEL CEILING ON UNITED STATES AND SOVIET MISSIONS

SEC. 602. It is the sense of the Congress that the ceiling on permanent positions at the United States Mission to the Soviet Union and the Soviet Mission to the United States should not be increased unless—

(a) the President determines that such increase is essential to the effective functioning of the United States Mission to the Soviet Union; and

(b) the FBI is provided sufficient additional resources to fulfill its responsibilities resulting from the increased number of permanent positions at the Soviet Mission to the United States.

FBI INVESTIGATIONS OF ESPIONAGE BY PERSONS EMPLOYED BY OR ASSIGNED TO UNITED STATES DIPLOMATIC MISSIONS ABROAD

28 USC 533 note.

Reports.

SEC. 603. Subject to the authority of the Attorney General, the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad. All departments and agencies shall report immediately to the FBI any information concerning such a violation. All departments and agencies shall provide appropriate assistance to the FBI in the conduct of such investigations. Nothing in this provision shall be construed as establishing a defense to any criminal, civil, or administrative action.

TITLE VII—GENERAL PROVISIONS

INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

SEC. 701. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 702. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

PRESIDENTIAL REPORT ON COORDINATION OF DRUG INTELLIGENCE ACTIVITIES

SEC. 703. Not later than April 1, 1990, the President shall submit to Congress a report describing how intelligence activities relating to narcotics trafficking can be integrated, including coordinating the collection and analysis of intelligence information, ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies of the United States Government responsible for interdiction, eradication, law enforcement, and other counternarcotics activities, and coordinating and controlling all counternarcotics intelligence activities.

TITLE VIII—INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

SEC. 801. Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended to read as follows:

"SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

President of U.S.

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, or public administration.

Reports.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

Classified information.

"(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

Reports.

"(5) In accordance with section 535 of title 28, United States Code, the Director shall report to the Attorney General any information, allegation, or complaint received from the Inspector General, relating to violations of Federal criminal law involving any officer or employee of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Inspector General.

President of U.S.

"(6) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

Classified information.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than June 30 and December 31 of each year, prepare and submit to the Director of Central Intelligence a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period. Within thirty days, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to his lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus upon the Director or Acting Director; or

"(C) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of his duties.

Contracts.

Records.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

Law enforcement and crime.
Fraud.
Safety.

"(3) The Inspector General is authorized to receive and investigate complaints or information from an employee of the Agency concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, it is the sense of Congress that the Inspector General should create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of Central Intelligence in consultation with the intelligence committees, the Director of Central Intelligence shall include in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

Contracts.
Records.

"(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the 'Office of Inspector General.' The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

Approved November 30, 1989.

LEGISLATIVE HISTORY—H.R. 2748 (S. 1324):

HOUSE REPORTS: No. 101-215, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services); and No. 101-367 (Comm. of Conference).
SENATE REPORTS: No. 101-78 and No. 101-174 (Select Comm. on Intelligence) and No. 101-151 (Comm. on Armed Services), all accompanying S. 1324.
CONGRESSIONAL RECORD, Vol. 135 (1989):
    Oct. 12, considered and passed House.
    Nov. 7, considered and passed Senate, amended.
    Nov. 17, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
    Nov. 30, Presidential statement.

Public Law 101-194
101st Congress

An Act

Nov. 30, 1989
[H.R. 3660]

To amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Government-wide ethics reform, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ethics Reform Act of 1989.
5 USC app. 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics Reform Act of 1989".

TITLE I—POST EMPLOYMENT RESTRICTIONS ON THE EXECUTIVE AND LEGISLATIVE BRANCHES

SEC. 101. RESTRICTIONS ON POSTEMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

District of Columbia.

"(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—Any person who is an officer or employee of the executive branch of the United States Government (including any independent agency of the United States and any special Government employee), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States Government or the District of Columbia, as the case may be, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, as the case may be, on behalf of any other person (except the United States) in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) in which the person participated personally and substantially as such officer or employee, and

"(C) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in section 216 of this title.

"(2) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States Government, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government or the District of Columbia, and

"(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

"(b) One-Year Restrictions on Aiding or Advising.—

"(1) In general.—Any person who is a former officer or employee subject to the restrictions contained in subsection (a)(1), and any person described in subsection (e)(7), who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under section 552 of title 5, and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent, aid, or advise any other person (except the United States) concerning such ongoing trade or treaty negotiation for 1 year after his or her service or employment with the United States Government terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

"(2) Definition.—For purposes of this paragraph—

"(A) the term 'trade negotiation' means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

"(B) the term 'treaty' means an international agreement made by the President that requires the advice and consent of the Senate.

"(c) One-Year Restrictions on Certain Senior Personnel of the Executive Branch and Independent Agencies.—

"(1) Restrictions.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee of the executive branch (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority,

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule,

"(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3, or

Uniformed services.

"(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.

"(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates.

"(C) Subparagraph (A)(ii) includes persons employed in the Senior Executive Service at the basic rate of pay specified in that subparagraph.

"(D) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

"(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

"(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

"(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who—

"(A) serves in the position of Vice President of the United States,

"(B) is employed in a position paid at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

"(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

"(2) ENTITIES TO WHICH RESTRICTIONS APPLY.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

"(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

"(B) any other person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

"(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—(A) Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B) or (C), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former Member of Congress are any Member, officer, or employee of either House of Congress, and any employee of any other legislative office of the Congress.

"(C) The persons referred to in subparagraph (A) with respect to appearances or communications by a former elected officer are any Member, officer, or employee of the House of Congress in which the elected officer served.

"(2) PERSONAL STAFF.—(A) Any person who is an employee of a Senator or an employee of a Member of the House of Representatives and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

"(i) the Senator or Member of the House of Representatives for whom that person was an employee; and

"(ii) any employee of that Senator or Member of the House of Representatives.

"(3) COMMITTEE STAFF.—Any person who is an employee of a committee of Congress and who, within 1 year after the termination of that person's employment on such committee, knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or who was a Member of the committee in the year immediately prior to the termination of such person's employment by the committee, on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(4) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives or an employee on the leadership staff of the Senate and who, within 1 year after the termination of that person's employment on such staff, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the following:

"(i) in the case of a former employee on the leadership staff of the House of Representatives, those persons are any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives; and

"(ii) in the case of a former employee on the leadership staff of the Senate, those persons are any Member of the leadership of the Senate and any employee on the leadership staff of the Senate.

"(5) OTHER LEGISLATIVE OFFICES.—(A) Any person who is an employee of any other legislative office of the Congress and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the employees and officers of the former legislative office of the Congress of the former employee.

"(6) LIMITATION ON RESTRICTIONS.—The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid for such service at a basic rate of pay equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule under section 5332 of title 5.

"(7) DEFINITIONS.—As used in this subsection—

"(A) the term 'committee of Congress' includes standing committees, joint committees, and select committees;

"(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

"(C) the term 'employee of the House of Representatives' means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

"(D) the term 'employee of the Senate' means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

"(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

"(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

"(G) the term 'employee of any other legislative office of the Congress' means an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the Copyright Royalty Tribunal, the United States Capitol Police, and any other agency, entity, or office in the legislative branch not covered by paragraph (1), (2), (3), or (4) of this subsection;

"(H) the term 'employee on the leadership staff of the House of Representatives' means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;

"(I) the term 'employee on the leadership staff of the Senate' means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);

"(J) the term 'Member of Congress' means a Senator or a Member of the House of Representatives;

"(K) the term 'Member of the House of Representatives' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(L) the term 'Member of the leadership of the House of Representatives' means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, chairman of the Democratic Steering Committee, chairman and vice chairman of the Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, chairman of the Republican Research Committee, and chairman of the Republican Policy Committee, of the House of Representatives (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989);

"(M) the term 'Member of the leadership of the Senate' means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989).

"(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

"(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in subsection (c), (d), or (e), as the case may be—

"(A) represents the interests of a foreign entity before any officer or employee of any department or agency of the Government of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

"(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the Government of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this subsection, the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.".

"(g) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

"(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

"(1) DESIGNATIONS.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

"(2) INAPPLICABILITY OF DESIGNATIONS.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A) (i) or (iii).

"(i) DEFINITIONS.—For purposes of this section—

"(1) the term 'intent to influence' means the intent to affect any official action by a Government entity of the United States through any officer or employee of the United States, including Members of Congress;

"(2) the term 'participated' means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other such action; and

"(3) the term 'particular matter' includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding.

"(j) EXCEPTIONS.—

"(1) OFFICIAL GOVERNMENT DUTIES.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply to acts done in carrying out official duties as an officer or employee of the United States Government or as an elected official of a State or local government.

"(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of—

"(A) an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government, or

"(B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

"(3) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization of which the United States is a member.

"(4) PERSONAL MATTERS AND SPECIAL KNOWLEDGE.—The restrictions contained in subsections (c), (d), and (e) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibitions of those subsections prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

Federal Register, publication.

"(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

Vice President of U.S.

"(6) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent a former Member of Congress or officer or employee of the executive or legislative branch or an independent agency (including the Vice President and any special Government employee) from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former officer or employee subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter.".

(b) CONFORMING AMENDMENT.—The item relating to section 207 in the table of sections at the beginning of chapter 11 of title 18, United States Code, is amended to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches."

18 USC 207 note.

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by section 101 take effect on January 1, 1991.

(b) EFFECT ON EMPLOYMENT.—(1) The amendments made by section 101 apply only to persons whose service as a Member of Congress or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date set forth in subsection (a), section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

TITLE II—FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

SEC. 201. REPEAL OF TITLES II AND III OF THE ETHICS IN GOVERNMENT ACT OF 1978.

Titles II and III of the Ethics in Government Act of 1978 (5 U.S.C. App.; 28 U.S.C. App.) are repealed.

SEC. 202. FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL.

Title I of the Ethics in Government Act of 1978 (2 U.S.C. 701 et seq.) is amended to read as follows:

"TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

"PERSONS REQUIRED TO FILE

"SEC. 101. (a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position. 5 USC app. 101.

"(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

"(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

"(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

"(e) Any individual who occupies a position described in subsection (f) shall, on or before the later of May 15 or the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

"(f) The officers and employees referred to in subsections (a), (d), and (e) are—

"(1) the President;

"(2) the Vice President;

"(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

"(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

"(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

"(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16;

"(7) the Director of the Office of Government Ethics and each designated agency ethics official;

"(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President;

"(9) a Member of Congress as defined under section 109(12);

"(10) an officer or employee of the Congress as defined under section 109(13);

"(11) a judicial officer as defined under section 109(10); and

"(12) a judicial employee as defined under section 109(8).

"(g) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference of the United States, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.

"(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.

"CONTENTS OF REPORTS

5 USC app. 102.

"SEC. 102. (a) Each report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following:

Classified information.

"(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

"(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

"(i) not more than $1,000,

"(ii) greater than $1,000 but not more than $2,500,

"(iii) greater than $2,500 but not more than $5,000,

"(iv) greater than $5,000 but not more than $15,000,

"(v) greater than $15,000 but not more than $50,000,

"(vi) greater than $50,000 but not more than $100,000,

"(vii) greater than $100,000 but not more than $1,000,000, or "(viii) greater than $1,000,000.

Gifts and property.

"(2)(A) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(C) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

Real property.

"(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, parent, brother, sister, or child or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

Real property.

"(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

"(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

"(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

"(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

Real property.

"(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

Securities.

"(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

"(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

"(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

"(i) the identity of each source of such compensation; and

"(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

Classified information.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

"(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

"(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

"(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

"(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;
"(B) greater than $15,000 but not more than $50,000;
"(C) greater than $50,000 but not more than $100,000;
"(D) greater than $100,000 but not more than $250,000;
"(E) greater than $250,000 but not more than $500,000;
"(F) greater than $500,000 but not more than $1,000,000; and
"(G) greater than $1,000,000.

Real property.

Securities.

"(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

"(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

"(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

"(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

"(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

"(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

"(E) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

"(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

"(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

"(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

"(A) any qualified blind trust (as defined in paragraph (3));

"(B) a trust—

"(i) which was not created directly by such individual, his spouse, or any dependent child, and

"(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

"(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

"(3) For purposes of this subsection, the term 'qualified blind trust' includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

"(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in, any joint venture or other investment with, any interested party; and

"(III) is not a relative of any interested party.

"(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.

"(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

"(C) The trust instrument which establishes the trust provides that—

"(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

"(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

"(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

"(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

"(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

"(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

"(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

"(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

"(E) For purposes of this subsection, 'interested party' means a reporting individual, his spouse, and any minor or dependent child; 'broker' has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

"(F) Any trust qualified by a supervising ethics office before the effective date of this section shall continue to be governed by the law and regulations in effect immediately before such effective date.

"(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

"(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

"(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

"(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

"(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

"(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

"(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

"(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

"(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

"(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

"(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

"(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

"(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

"(i) notify his supervising ethics office of such dissolution, and

"(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

"(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

"(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

"(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

"(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

"(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.

"(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

"(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

"(A)(i) the fund is publicly traded; or

"(ii) the assets of the fund are widely diversified; and

"(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

"(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

"(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

"FILING OF REPORTS

5 USC app. 103.

"SEC. 103. (a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

President of U.S.
Vice President of U.S.

"(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

"(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

Public information.

"(d) Reports required to be filed under this title by the Director shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

"(e) Each individual identified in section 101(c) shall file the reports required by this title with the Federal Elections Commission.

Uniformed services.

"(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

"(g) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title.

"(h)(1) The reports required under this title shall be filed by a reporting individual with—

"(A)(i) the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and

"(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

"(I) the congressional ethics committee designated in the statute establishing such agency or commission; or

"(II) if such statute does not designate such committee, the Senate Select Committee on Ethics for agencies and commissions established in even numbered calendar years, and the Committee on Standards of Official Conduct of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

"(B) the Judicial Conference of the United States with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

"(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

"FAILURE TO FILE OR FILING FALSE REPORTS

"SEC. 104. (a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000. 5 USC app. 104.

"(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

"(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference of the United States, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

"(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

"(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

"(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall pay a filing fee of $200 to the miscellaneous receipts of the General Treasury.

"(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

"CUSTODY OF AND PUBLIC ACCESS TO REPORTS

"SEC. 105. (a) Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by— 5 USC app. 105.

Defense and national security.

Classified information.

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.

"(b)(1) Each agency and each supervising ethics office shall, within thirty days after any report is received by such agency or office under this title, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. The agency or office may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

"(c)(1) It shall be unlawful for any person to obtain or use a report—

"(A) for any unlawful purpose;

"(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

"(C) for determining or establishing the credit rating of any individual; or

"(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

"(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

"(d) Any report filed with or transmitted to an agency or supervising ethics office pursuant to this title shall be retained by such agency or office, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

"REVIEW OF REPORTS

5 USC app. 106.

"SEC. 106. (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

"(2) Each congressional ethics committee and the Judicial Conference of the United States shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

"(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

"(2) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, after reviewing any report under subsection (a)—

"(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

"(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

"(3) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, a congressional ethics committee, or the Judicial Conference of the United States, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

"(A) divestiture,

"(B) restitution,

"(C) the establishment of a blind trust,

"(D) request for an exemption under section 208(b) of title 18, United States Code, or

"(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

"(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position (other than in the foreign service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

"(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the foreign service or the uniformed services, the Secretary concerned shall take appropriate action.

"(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference of the United States, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

"(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

"CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

5 USC app. 107.

"SEC. 107. (a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

"(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

"(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

"(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

"(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

"AUTHORITY OF COMPTROLLER GENERAL

5 USC app. 108.

"SEC. 108. (a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

"(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

"DEFINITIONS

5 USC app. 109.

"SEC. 109. For the purposes of this title, the term—

"(1) 'congressional ethics committees' means the Senate Select Committee on Ethics and the Committee on Standards of Official Conduct of the House of Representatives;

"(2) 'dependent child' means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

"(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

"(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

"(3) 'designated agency ethics official' means an officer or employee who is designated to administer the provisions of this title within an agency;

"(4) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch;

"(5) 'gift' means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

"(A) bequest and other forms of inheritance;

"(B) suitable mementos of a function honoring the reporting individual;

"(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

"(D) food and beverages consumed at banquets, receptions, or similar events; or

"(E) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

"(6) 'honoraria' has the meaning given such term in section 505 of this Act;

"(7) 'income' means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

"(8) 'judicial employee' means any employee of the judicial branch of the Government, of the Tax Court, of the Court of Veterans Appeals, or of the United States Court of Military Appeals, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;

"(9) 'Judicial Conference' means the Judicial Conference of the United States;

"(10) 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in the Canal Zone, Guam, and the Virgin Islands, Court of Claims, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, United States Court of Military Appeals, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

"(11) 'legislative branch' includes—

"(A) the Architect of the Capitol;

"(B) the Botanic Gardens;

"(C) the Congressional Budget Office;

"(D) the General Accounting Office;

"(E) the Government Printing Office;

"(F) the Library of Congress;

"(G) the United States Capitol Police;

"(H) the Office of Technology Assessment; and

"(I) any other agency, entity, office, or commission established in the legislative branch;

"(12) 'Member of Congress' means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

"(13) 'officer or employee of the Congress' means—

"(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives;

"(B)(i) each officer or employee of the legislative branch who is compensated for 60 consecutive days at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

"(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule;

"(14) 'personal hospitality of any individual' means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

"(15) 'reimbursement' means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

"(A) provided by the United States Government;

"(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

"(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(16) 'relative' means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

"(17) 'Secretary concerned' has the meaning set forth in section 101(8) of title 10, United States Code, and, in addition, means—

"(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

"(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service;

"(18) 'supervising ethics office' means—

"(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(C) the Judicial Conference of the United States for judicial officers and judicial employees; and

"(D) the Office of Government Ethics for all executive branch employees; and

"(19) 'value' means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

5 USC app. 110.

"SEC. 110. (a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference of the United States, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference of the United States, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

"ADMINISTRATION OF PROVISIONS

5 USC app. 111.

"SEC. 111. The provisions of this title shall be administered by—

"(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

"(2) the Senate Select Committee on Ethics and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

"(3) the Judicial Conference of the United States and clerk of the applicable court, as appropriate, in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

"EFFECTIVE DATE

5 USC app. 112.

"SEC. 112. The provisions made by this title shall take effect on January 1, 1990, and shall be applicable to reports filed under this title after January 1, 1991.".

SEC. 203. PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS.

(a) ESTABLISHMENT.—There shall be established an advisory commission to study the best means of simplifying the Presidential appointment process, in particular by reducing the number and complexity of forms to be completed by nominees. The Commission shall be known as the President's Commission on the Federal Appointment Process.

(b) MEMBERSHIP.—The Commission shall be composed of 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House of Representatives, and one member shall be appointed by the minority leader of the House of Representatives. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) REPORT.—The Commission shall present its report to the President no later than ninety days after its first meeting. The Commission shall cease to exist upon submission of its report.

TITLE III—GIFTS AND TRAVEL

SEC. 301. GIFTS TO SUPERIORS.

Section 7351 of title 5, United States Code, is amended by—

(1) adding "(a)" before "An employee may not"; and

(2) striking the final sentence and inserting the following:

"(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

"(c) The Office of Government Ethics is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other similar circumstances.". Regulations.

SEC. 302. TRAVEL ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end thereof the following:

"§ 1352. Acceptance of travel and related expenses from non-Federal sources

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses. Regulations.

"(b) Except as provided in this section or section 4111 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

"(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

"(2) in the case of a repayment under paragraph (1) shall not be entitled to any payment from the Government for such expenses.

"(c) As used in this section—

"(1) the term 'executive branch' means any executive agency (as such term is defined in section 105 of title 5); and

"(2) the term 'employee in the executive branch' means—

"(A) an appointed officer or employee in the executive branch; and

"(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

"(3) the term 'payment' means a payment or reimbursement, in cash or in kind.

"(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than $250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

Public information.

"(2) The reports required by paragraph (1) shall, with respect to each payment—

"(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

"(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

"(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.".

(b) Clerical Amendment.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

"1352. Acceptance of travel and related expenses from non-Federal sources.".

SEC. 303. GIFTS TO FEDERAL EMPLOYEES.

(a) In General.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7353. Gifts to Federal employees

"(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or judicial branches shall solicit or accept anything of value from a person—

"(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by the individual's employing agency; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

Regulations.

"(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

"(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

"(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

"(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

"(c) An employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

"(d) For purposes of this section—

"(1) the term 'supervising ethics office' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

"(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers and employees of the Senate;

"(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

"(D) the Office of Government Ethics for all executive branch officers and employees; and

"(E) the ethics committee with which the officer or employee is required to file financial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and

"(2) the term 'officer or employee' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government other than a Member of Congress.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7352 the following new item:

"7353. Gifts to Federal employees.".

TITLE IV—AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE

SEC. 401. AMENDMENT TO SECTION 202 OF TITLE 18, UNITED STATES CODE.

Section 202 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207, 208, and 209 of this title, mean those individuals defined in sections 2104 and 2105 of title 5. The terms 'officer' and 'employee' shall not include the President, the Vice President, a Member of Congress, or a Federal judge.

"(d) The term 'Member of Congress' in sections 204 and 207 shall include—

"(1) a United States Senator; and

"(2) a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

"(e) As used in this chapter, the term—

"(1) 'executive branch' means any executive agency as defined in title 5, and any other entity or administrative unit in the executive branch;

"(2) 'judicial branch' means the Supreme Court of the United States; the United States courts of appeals; the United States district courts; the Court of International Trade; the United States bankruptcy courts; any court created pursuant to article I of the United States Constitution, including the Court of Military Appeals, the United States Claims Court, and the United States Tax Court, but not including a court of a territory or possession of the United States; the Federal Judicial Center; and any other agency, office, or entity in the judicial branch; and

"(3) 'legislative branch' means—

"(A) a Member of Congress, or any officer or employee of the United States Senate or United States House of Representatives; and

"(B) an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, office, or commission established in the legislative branch.".

SEC. 402. AMENDMENTS TO SECTION 203 OF TITLE 18, UNITED STATES CODE.

Section 203 of title 18, United States Code, is amended by—

(1) striking "services" the first place it appears in subsection (a)(1) and inserting "representational services, as agent or attorney or otherwise,";

(2) inserting "court," after "department, agency," in subsection (a)(1);

(3) striking "shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States" in subsection (a) and inserting "shall be subject to the penalties set forth in section 216 of this title";

(4) inserting "representational" before "services" in subsection (a)(2);

(5) inserting "Member Elect," after "Member," in subsection (a)(2);

(6) inserting "Delegate Elect," after "Delegate," in subsection (a)(2);

(7) striking "including the District of Columbia," in subsection (a)(1)(B);

(8) in subsection (b)—

(A) by redesignating such subsection as subsection (c); and

(B) by striking "subsection (a)" and inserting "subsections (a) and (b)";

(9) by inserting after subsection (a) the following:

"(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

District of Columbia.

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

"(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 of this title."; and

(10) adding at the end the following:

"(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

Grants.
Contracts.
Federal Register, publication.

"(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.".

SEC. 403. AMENDMENT TO SECTION 204 OF TITLE 18, UNITED STATES CODE.

Section 204 of title 18, United States Code, is amended to read as follows:

"§ 204. Practice in United States Claims Court or the United States Court of Appeals for the Federal Circuit by Members of Congress

"Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title.".

SEC. 404. AMENDMENT TO SECTION 205 OF TITLE 18, UNITED STATES CODE.

Section 205 of title 18, United States Code, is amended to read as follows:

"§ 205. Activities of officers and employees in claims against and other matters affecting the Government

"(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

"(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

District of Columbia.

"(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

"(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, officer, or any commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

"(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"(d) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or

"(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

Grants.
Contracts.
Federal Register, publication.

"(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register.

"(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

"(h) For the purpose of this section, the term 'covered matter' means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter.".

SEC. 405. AMENDMENTS TO SECTION 208 OF TITLE 18, UNITED STATES CODE.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or" after "United States Government,";

(B) by inserting "an officer or employee" before "of the District of Columbia";

(C) by striking "partner" and inserting "general partner"; and

(D) by striking "Shall be fined not more than $10,000, or imprisoned not more than two years, or both." and inserting "Shall be subject to the penalties set forth in section 216 of this title."; and

(2) by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply—

"(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

"(2) if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Federal Register, the financial interest has been exempted from the requirements of paragraph (1) as being too remote or too inconsequential to affect the integrity of the services of the

Government officers or employees to which such regulation applies;

"(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to section 107 of the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

Indians.
Alaska.

"(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

Claims.

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, or Alaska Native village corporation as a specific party or parties.

"(c)(1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed to be the Government official responsible for appointment.

"(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

Public information.

"(d)(1) A copy of any determination by other than the Director of the Office of Government Ethics granting an exemption pursuant to subsection (b)(1) or (b)(3) shall be submitted to the Director, who shall make all determinations available to the public pursuant to section 105 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply, however, if the head of the agency or his or her designee determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.

Classified information.

Regulations.

"(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall—

"(A) list and describe exemptions; and

"(B) provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.".

SEC. 406. AMENDMENT TO SECTION 209 OF TITLE 18, UNITED STATES CODE.

Section 209(a) of title 18, United States Code, is amended by striking "Shall be fined not more than $5,000 or imprisoned not more than one year, or both." and inserting "Shall be subject to the penalties set forth in section 216 of this title.".

SEC. 407. PENALTIES AND INJUNCTIONS.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by inserting after section 215 the following new section:

"§ 216. Penalties and injunctions

"(a) The punishment for an offense under sections 203, 204, 205, 207, 208, and 209 of this title is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

"(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under sections 203, 204, 205, 207, 208, and 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 215 the following:

"216. Penalties and injunctions.".

TITLE V—OTHER ETHICS REFORMS

SEC. 501. REFERRAL OF ETHICS VIOLATIONS BY THE SENATE ETHICS COMMITTEE TO THE GENERAL ACCOUNTING OFFICE FOR INVESTIGATION.

2 USC 72a-1g.

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the General

Accounting Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

Taxes.

SEC. 502. NONRECOGNITION FOR CERTAIN SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

(a) General Rule.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. SALE OF PROPERTY TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

"(a) Nonrecognition of Gain.—If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost (reduced by any basis adjustment under subsection (c) attributable to a prior sale) of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

"(b) Definitions.—For purposes of this section—

"(1) Eligible person.—The term 'eligible person' means—

"(A) an officer or employee of the executive branch of the Federal Government, but does not mean a special Government employee as defined in section 202 of title 18, United States Code, and

"(B) any spouse or minor or dependent child whose ownership of any property is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in subparagraph (A).

"(2) Certificate of divestiture.—The term 'certificate of divestiture' means any written determination—

"(A) that states that divestiture of specific property is reasonably necessary to comply with any Federal conflict of interest statute, regulation, rule, or executive order (including section 208 of title 18, United States Code), or requested by a congressional committee as a condition of confirmation,

"(B) that has been issued by the President or the Director of the Office of Government Ethics, and

"(C) that identifies the specific property to be divested.

"(3) Permitted property.—The term 'permitted property' means any obligation of the United States or any diversified investment fund approved by regulations issued by the Office of Government Ethics.

"(4) Purchase.—The taxpayer shall be considered to have purchased any permitted property if, but for subsection (c), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(c) Basis Adjustments.—If gain from the sale of any property is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any permitted property which is purchased by the taxpayer during the 60-day period described in subsection (a).".

(b) Technical Amendments.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (14) as para-

graph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property had been held as of the date of such sale.".

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) in the case of property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, to the extent provided in section 1043(c).".

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1043. Sale of property to comply with conflict-of-interest requirements.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

26 USC 1016 note.

SEC. 503. USE OF GOVERNMENT VEHICLES.

31 USC 1344 note.

Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government shall prescribe by rule appropriate conditions for the incidental use, for other than official business, of vehicles owned or leased by the Government. Such use with respect to vehicles owned or leased by, or the cost of which is reimbursed by, the House of Representatives or the Senate shall be only as prescribed by rule of the House of Representatives or the Senate, as applicable.

SEC. 504. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO ELIMINATE THE EXCESS CAMPAIGN FUND GRANDFATHER PROVISION.

(a) IN GENERAL.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking ", with respect to" and all that follows through "1979,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

2 USC 439a note.

(1) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress in the 102nd Congress or an earlier Congress, shall apply, except as provided in paragraph (2), to the use of excess amounts totaling more than the amount equal to the unobligated balance on hand on the date of the enactment of this Act; and

(2) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress after the 102nd Congress (including an individual referred to in paragraph (1) who so serves), shall apply to the use of any excess amount on or after the first day of such service.

SEC. 505. REPEAL OF CERTAIN OBSOLETE PROVISIONS.

(a) RESTRICTION ON PAYMENT TO CERTAIN RETIRED MILITARY OFFICERS.—Subsection (a) of section 801 of title 37, United States Code, is repealed.

(b) INTERIOR APPROPRIATIONS.—Section 319 of the Act of September 27, 1988 (Interior Department Appropriations, Fiscal Year 1988) (Public Law 100-446, 102 Stat. 1774, 1826) is repealed. 18 USC 208 note.

SEC. 506. RECERTIFICATION OF SENIOR EXECUTIVES.

(a) Chapter 33 of title 5, United States Code, is amended—

(1) by inserting immediately following section 3393 the following new section:

"§ 3393a. Recertification

"(a)(1) In order to ensure that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service, as set forth in section 3131, each career appointee shall be subject to recertification by the employing agency in accordance with the provisions of this section.

"(2) Beginning in calendar year 1991, and recurring every third calendar year thereafter, the head of an agency shall determine a time during such calendar year when the performance of career appointees in the agency shall be subject to recertification. Recertification shall not be required of any career appointee who has not been continuously employed as a senior executive for the 156 weeks preceding the time determined for the recertification. For the purposes of the previous sentence, a break in service of 6 months shall be deemed not to interrupt the 156 weeks of continuous employment.

"(b) The supervising official of each career appointee shall submit to a performance review board established by the agency under section 4314 a recommendation as to whether the career appointee's performance justifies recertification as a senior executive, based on such factors as the career appointee's performance ratings for the 3 preceding years under section 4314, any award or other recognition received by the career appointee, any developmental activities of the career appointee, and any other relevant factors. The supervising official's recommendation shall reflect that official's view as to whether the career appointee's overall performance over the 3 preceding years has demonstrated the excellence expected of a senior executive in relation to the written performance requirements for the career appointee's senior executive position as established under section 4312(b). The career appointee may submit to the performance review board a statement of accomplishments and other documentation giving evidence of the quality of the career appointee's performance.

"(c)(1) After considering the recommendation and other information received under subsection (b), the performance review board shall submit to the appointing authority a recommendation as to whether the career appointee should be recertified, conditionally recertified, or not recertified as a senior executive. If the board proposes to recommend conditional recertification or nonrecertification, then the affected appointee shall be so notified and shall have the opportunity to appear before the performance review board. If the board is recommending that the career appointee be recertified, the board may also recommend that the career appointee's rate of basic pay be increased to a higher rate established under section 5382. If the board is recommending that the career appointee be conditionally recertified, the board may recommend that the career appointee's pay be reduced to the next lower rate established under section 5382. The board shall also provide to the appointing authority the recommendation and other information received under subsection (b).

"(2) More than one-half of the members of a performance review board under this section shall consist of career appointees. The requirement of the preceding sentence shall not apply in any case in which the Office of Personnel Management determines that there exists an insufficient number of career appointees available to comply with the requirement.

"(d)(1) If the appointing authority determines that the career appointee's performance during the preceding 3 years demonstrates the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be recertified as a senior executive.

"(2) If the appointing authority determines that the career appointee's performance has not demonstrated the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be conditionally recertified as a senior executive or not be recertified as a senior executive.

"(e)(1) If the head of the agency decides that the career appointee's performance warrants recertification as a senior executive, the career appointee shall continue in the Senior Executive Service. If a career appointee is recertified as a senior executive, the career appointee's rate of basic pay may not be reduced at the time of recertification.

"(2) If the head of the agency decides that the career appointee's performance does not warrant full recertification, but does warrant conditional recertification, the career appointee—

"(A) shall remain a career appointee in the Senior Executive Service;

"(B) shall be subject to continuing close review of the career appointee's performance by the supervising official in coordination with an executive resources board established under section 3393, in accordance with a performance improvement plan developed by the supervising official and subject to the approval of the executive resources board;

"(C) may, if the head of the agency so determines, be reduced to the next lower rate of basic pay established under section 5382; and

"(D) shall be removed from the Senior Executive Service if the career appointee is not recertified as a senior executive at the end of the 12-month period following the conditional recertification.

If, at the end of the 12-month period following the conditional recertification, the career appointee is recertified as a senior executive, any reduction that was made in the career appointee's rate of basic pay under subparagraph (C) shall be restored prospectively.

"(3) If the head of the agency decides that the career appointee's performance does not demonstrate that the career appointee qualifies for recertification or conditional recertification as a senior executive, the career appointee shall be removed from the Senior Executive Service in accordance with section 3592.

"(f) The Office of Personnel Management shall prescribe standards and procedures to ensure consistency and fairness for the process of recertification under this section.".

(2) by inserting in the analysis, immediately following the item relating to section 3393, the following new item:

"3393a. Recertification.".

(b) Title 5, United States Code, is further amended as follows:

(1) in section 3151(a)(5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by inserting "and" after the semicolon at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) recertification consistent with section 3393a;";

(2) in section 3393(g), by inserting after "1207," the following: "3393a,";

(3) in section 3592(a)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the comma at the end of paragraph (2);

(C) by inserting after paragraph (2) the following new paragraph:

"(3) if the career appointee is not recertified as a senior executive under section 3393a,"; and

(D) by inserting at the end thereof the following: "In the case of a removal under paragraph (3) of this subsection, the career appointee shall have the right to appeal the removal from the Senior Executive Service to the Merit Systems Protection Board under section 7701.";

(4) in section 3593(a)(2)—

(A) by striking "or";

(B) by striking the period and inserting in lieu thereof the following: ", or failure to be recertified as a senior executive under section 3393a.";

(5) in section 3594(b)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the semicolon at the end of paragraph (2); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) is removed from the Senior Executive Service for failure to be recertified under section 3393a;";

(6) in section 7701(c)(1)(A) by striking "of" and inserting in lieu thereof the following: "of a removal from the Senior Executive Service for failure to be recertified under section 3393a or";

(7) in section 8336(h)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for";

(8) in section 8339(h) by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive.";

(9) in section 8414(a)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(10) in section 8421(a)(2) by striking the period and inserting in lieu thereof the following: ", except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age".

(c)(1) Section 305 of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following new subsection: 22 USC 3945.

"(c) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3393a of title 5, United States Code.". Regulations.

(2) Section 12(a)(1) of the National Security Agency Act of 1959 is amended— 50 USC 402 note.

(A) by striking "and" at the end of paragraph (F);

(B) by inserting "and" after the semicolon at the end of paragraph (G); and

(C) by inserting after paragraph (G) the following new paragraph:

"(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.".

(3) Section 1601(a) of title 10, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by inserting "and" after the semicolon at the end of paragraph (7); and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) provide for the recertification of members of the Defense Intelligence Senior Executive Service consistent with the provisions of section 3393a of title 5.".

(d) The amendments made by this section shall take effect on January 1, 1991. Effective date. 5 USC 3151 note.

SEC. 507. SUSPENSION OF EFFECT OF CERTAIN PROVISIONS OF LAW.

The following provisions of law shall have no force or effect during the period beginning on the day after the date of enactment of this Act and ending one year after such day:

(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423). 41 USC 423 note.

(2) Sections 2397a and 2397b of title 10, United States Code. 10 USC 2397a note, 2397b note.

18 USC 281 note.

(3) Section 281 of title 18, United States Code.

42 USC 7213 note, 7214 note, 7215 note, 7216 note, 7217 note, 7218 note.

(4) Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act.

TITLE VI—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA

SEC. 601. LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) LIMITATIONS.—Title V of the Ethics in Government Act of 1978 is amended to read as follows:

"TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

5 USC app. 501.

"SEC. 501. OUTSIDE EARNED INCOME LIMITATION.

"(a) OUTSIDE EARNED INCOME LIMITATION.—

"(1) Except as provided by paragraph (2), a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

"(2) In the case of any individual who becomes a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.

"(b) HONORARIA PROHIBITION.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

"(c) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"SEC. 502. LIMITATIONS ON OUTSIDE EMPLOYMENT.

5 USC app. 502.

"A Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

"SEC. 503. ADMINISTRATION.

5 USC app. 503.

"This title shall be subject to the rules and regulations of—

"(1) and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;

"(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

"(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

"SEC. 504. CIVIL PENALTIES.

5 USC app. 504.

"(a) CIVIL ACTION.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than $10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

"(b) ADVISORY OPINIONS.—Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

"SEC. 505. DEFINITIONS.

5 USC app. 505.

"For purposes of this title:

"(1) The term 'Member' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

"(2) The term 'officer or employee' means any officer or employee of the Government except (A) any individual (other than the Vice President) whose compensation is disbursed by the Secretary of the Senate or (B) any special Government employee (as defined in section 202 of title 18, United States Code).

"(3) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(4) The term 'travel expenses' means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

"(5) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—

(1) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(A) in subsection (a) by striking "No person while an elected or appointed officer or employee of the Federal Government" and by inserting "No person while a Senator or officer or employee of the Senate", and by striking "accept" the first place it appears; and

(B) in subsection (b) by striking "an elected or appointed officer or employee of any branch of the Federal Government" and by inserting "a Senator or any officer or employee of the Senate".

(2) Section 908(a)(3) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)(3)), is amended to read as follows:

"(3) 'Member' means a Senator; and".

SEC. 602. TAX TREATMENT OF AMOUNTS PAID TO CHARITY.

26 USC 7701.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following:

"(k) TREATMENT OF CERTAIN AMOUNTS PAID TO CHARITY.—In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)—

State and local governments.

"(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

"(2) no deduction shall be allowed under any provision of this title (or of any tax law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government and a Senator or officer (except the Vice President) or employee of the Senate shall not be treated as an officer or employee of the Federal Government.".

SEC. 603. EFFECTIVE DATE.

2 USC 31-1 note.

The amendments made by this title shall take effect on January 1, 1991. Such amendments shall cease to be effective if the provisions of section 703 are subsequently repealed, in which case the laws in effect before such amendments shall be deemed to be reenacted.

TITLE VII—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SEC. 701. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 225(a) of the Federal Salary Act of 1967 (2 U.S.C. 351) is amended by striking "Commission on Executive, Legislative, and Judicial Salaries" and inserting "Citizens' Commission on Public Service and Compensation".

(2) CONFORMING AMENDMENT.—The heading for section 225 of such Act (2 U.S.C. 351 and following) is amended to read as follows:

"CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION".

(b) MEMBERSHIP.—Section 225(b) of such Act (2 U.S.C. 352) is amended to read as follows:

"(b) MEMBERSHIP.—

"(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

"(A) 2 appointed by the President of the United States;

President of U.S.

"(B) 1 appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;

"(C) 1 appointed by the Speaker of the House of Representatives;

"(D) 2 appointed by the Chief Justice of the United States; and

"(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

"(2) No person shall serve as a member of the Commission who is—

"(A) an officer or employee of the Federal Government;

"(B) registered (or required to register) under the Federal Regulation of Lobbying Act; or

"(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

"(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

Regulations.

"(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

"(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

"(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

"(C) shall otherwise comply with applicable provisions of this subsection.

President of U.S.

"(5) The chairperson shall be designated by the President.

"(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when engaged in the performance of services for the Commission.

"(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

"(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under subsection (g) (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

"(ii) Notwithstanding any provision of subsection (c), authority under such subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve.".

(c) AMENDMENTS TO SECTION 225(c).—Section 225(c) of such Act (2 U.S.C. 353) is amended by striking "subsection (b) (2) and (3)" each place it appears and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(d) AMENDMENT TO SECTION 225(f).—Section 225(f) of such Act (2 U.S.C. 356) is amended by striking "subsection (b) (2) and (3)" and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(e) REPORT TO THE PRESIDENT.—Section 225(g) of such Act (2 U.S.C. 357) is amended—

(1) by amending the subsection heading to read as follows: "REPORT BY COMMISSION TO THE PRESIDENT WITH RESPECT TO PAY";

(2) in the first sentence, by striking "Commission of" and inserting "Commission with respect to rates of pay for"; and

(3) in the second sentence, by striking "December 15" and all that follows thereafter through the period and inserting "December 15 next following the close of the fiscal year in which the review is conducted by the Commission.".

(f) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Section 225(h) of such Act (2 U.S.C. 358) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—

"(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

"(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g).".

(g) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—Section 225(i) of such Act (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

"(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

"(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

"(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

"(B) For purposes of this paragraph, the term 'election of Representatives' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year.".

(h) AMENDMENT TO SECTION 225(j).—Section 225(j)(A) of such Act (2 U.S.C. 360(A)) is amended by striking "(other than" and all that follows thereafter through ", and" and inserting "(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under subsection (h) and ending on the date of their approval under subsection (i)(2)), and".

(i) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding at the end the following:

2 USC 362. "(l) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Notwithstanding any other provision of this section, the recommendations submitted by the Commission to the President under subsection (g), and the recommendations transmitted by the President to the Congress under subsection (h), shall be in conformance with the following:

"(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

"(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under subsection (f).

"(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.

"(B) Nothing in this subsection shall be considered to require that the rate recommended for any office or position by the President under subsection (h) be the same as the rate recommended for such office or position by the Commission under subsection (g).".

(j) ADDITIONAL FUNCTION.—Section 225 of such Act (2 U.S.C. 351 and following), as amended by subsection (i), is further amended by adding at the end the following:

2 USC 363.

"(m) ADDITIONAL FUNCTION.—The Commission shall, whenever it conducts a review under subsection (f), also conduct a review under this subsection relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this subsection shall be included by the Commission as part of its report to the President under subsection (g).".

Reports.

(k) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding after subsection (m) (as added by subsection (j)) the following:

2 USC 364.

"(n) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—

"(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of subsection (f) shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

"(2) For purposes of this subsection, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

"(3) Nothing in this subsection shall be considered to apply with respect to any pay increase—

"(A) which takes effect under the preceding subsections of this section;

"(B) which is based on a change in the Employment Cost Index (as determined under section 704(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

"(C) which takes effect under section 702 or 703 of the Ethics Reform Act of 1989.".

SEC. 702. RESTORATION OF COMPARABILITY ADJUSTMENTS.

5 USC 5305 note.

(a) RESTORATION.—

(1) IN GENERAL.—Effective for pay periods beginning on or after the date of enactment of this Act, the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provisions of law cited in paragraph (2) had never been enacted.

District of Columbia.

(2) CITATIONS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note).

5 USC 5305 note.

(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136).

5 USC 5305 note. (b) Exceptions.—Notwithstanding any other provision of this section, the rate of basic pay for a Senator, the President pro tempore of the Senate, and the majority leader and the minority leader of the Senate shall be determined as if subsection (a) had not been enacted.

(c) Specific Authority.—For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a).

(d) Special Rule.—Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

5 USC 5318 note.

SEC. 703. SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS.

(a) Salary Levels.—

(1) Executive positions.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(2) Legislative positions; office of the vice president.—

(A) Generally.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356 (A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100), except as provided in subparagraph (B).

(B) Exceptions.—Nothing in subparagraph (A) shall affect the rate of basic pay for a Senator, the President pro tempore of the Senate, or the majority leader or the minority leader of the Senate.

(3) Judicial positions.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) Coordination Rule.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first.

SEC. 704. REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE. 5 USC 5318 note.

(a) PERCENT CHANGE IN THE EMPLOYMENT COST INDEX.—

(1) METHOD FOR COMPUTING PERCENT CHANGE IN THE ECI.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term "Employment Cost Index" or "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and

(ii) the term "base quarter" means the 3-month period ending on December 31 of a year.

(B) METHOD.—For purposes of the provisions of law amended by paragraph (2), the "most recent percentage change in the ECI", as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by—

(i) reducing—

(I) the ECI for the last base quarter prior to that date, by

(II) the ECI for the second to last base quarter prior to that date,

(ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and

(iii) multiplying the quotient under clause (ii) by 100,

except that no percentage change determined under this paragraph shall be—

(I) less than zero; or

(II) greater than 5 percent.

(2) PROVISIONS THROUGH WHICH NEW METHOD IS TO BE IMPLEMENTED.—

(A) AMENDMENT TO TITLES 3, 5, AND 28 OF THE UNITED STATES CODE.—Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking "corresponds to" and all that follows thereafter through the period, and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.".

(B) AMENDMENT TO THE LEGISLATIVE REORGANIZATION ACT OF 1946.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "corresponds to" and all that follows thereafter through the period and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1991.

SEC. 705. WORK PERFORMED BY SENIOR JUDGES IN ORDER TO RECEIVE CERTAIN SALARY INCREASES.

(a) IN GENERAL.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by inserting "or her" after "his"; and

(C) by striking the period and inserting the following: "if he or she meets the requirements of subsection (f).

"(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title."; and

(2) by adding at the end the following new subsection:

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

"(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

"(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average judge in active service would perform in three months.

"(C) The justice or judge has, in the preceding calendar year, performed work described in subparagraphs (A) and (B) in an amount which, when calculated in accordance with such subparagraphs, in the aggregate equals at least 3 months work.

"(D) The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, or has performed substantial duties for a Federal or State governmental entity. A certification under this subparagraph shall specify that the work done is equal to the full-time work of an employee of the judicial branch.

"(E) The justice or judge was unable in the preceding calendar year to perform judicial or administrative work to the extent required by any of subparagraphs (A) through (D) because of a temporary or permanent disability. A certification under this subparagraph shall be made to a justice who certifies in writing his or her disability to the Chief Justice, and to a judge who certifies in writing his or her disability to the chief judge of the circuit in which the judge sits. A justice or judge who is certified under this subparagraph as having a permanent disability shall be deemed to have met the requirements of this subsection for each calendar year thereafter.

"(2) Determinations of work performed under subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made pursuant to rules promulgated by the Judicial Conference of the United States. In promulgating such criteria, the Judicial Conference shall take into account existing standards promulgated by the Conference for allocation of space and staff for senior judges.

"(3) If in any year a justice or judge who retires under subsection (b) does not receive a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

"(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge (as described in subparagraphs (A), (B), (C), and (D) of paragraph (1)) during that calendar year before such retirement.".

(b) EFFECTIVE DATE.— 28 USC 371 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

TITLE VIII—AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES

SEC. 801. ACCEPTANCE OF GIFTS.

(a) DOLLAR LIMITS.—Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. A Member, officer or employee of the House of Representatives shall not accept gifts (other than the personal hospitality of an individual or with a fair market value of $75 or less) in any calendar year aggregating more than the minimal value as established by paragraph (5) of section 7342 of title 5, United States Code, directly or indirectly from any person (other than from a relative), except to the extent permitted by written waiver granted in exceptional circumstances by the Committee on Standards of Official Conduct pursuant to clause 4(e)(1)(E) of rule X.".

(b) Definitions.—The last undesignated paragraph of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking the dash after "Conduct" and by striking "(1) The" and by inserting ", the";

(2) by striking "the person reporting" and by inserting "such Member, officer, or employee, and shall be deemed to include the fiance or fiancee of the Member, officer, or employee"; and

(3) by repealing subparagraph (2).

(c) Rule XLIII of the Rules of the House of Representatives is amended by inserting after clause 11 the following:

"12. (a) Except as provided by paragraph (b), any employee of the House of Representatives who is required to file a report pursuant to rule XLIV shall refrain from participating personally and substantially as an employee of the House of Representatives in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

"(b) Paragraph (a) shall not apply if an employee first advises his employing authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.".

(d) Additional Duties of the Committee on Standards of Official Conduct.—Clause 4(e)(1) of rule X of the Rules of the House of Representatives is amended by striking "and" before "(D)" and by inserting before the period the following: "; and (E) to give consideration to the request of any Member, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XLIII".

2 USC 29d note.

(e) Advisory Opinion Amendments.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of gifts (1) to prohibit lodging received as personal hospitality in excess of 30 days in any calendar year from any individual unless a written waiver is granted by the committee and (2) to exempt gifts of food and beverages consumed not in connection with gifts of lodging from coverage under clause 4 of rule XLIII of the Rules of the House of Representatives.

(f) Effective Date.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 802. USE OF OFFICIAL RESOURCES.

(a) Qualifications of Officers and Employees.—Rule XLI of the Rules of the House of Representatives is amended to read as follows:

"Rule XLI.

"QUALIFICATIONS OF OFFICERS AND EMPLOYEES.

Claims

"No person shall be an officer or employee of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government or be interested in such claim otherwise than as an original claimant or than in the proper discharge of official duties.".

(b) Rights and Duties of Staff.—(1) Clause 8 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"8. A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority. In the case of committee employees who work under the direct supervision of a Member other than a chairman, the chairman may require that such Member affirm in writing that the employees have complied with the preceding sentence (subject to clause 6 of rule XI) as evidence of the chairman's compliance with this clause and with clause 6 of rule XI.".

(2) Clause 9 of rule XLIII of the Rules of the House of Representatives is amended by inserting "(including marital or parental status), handicap" after "sex" and by inserting before the period the following: ", but may take into consideration the domicile or political affiliation of such individual".

(3) Clause 6 of rule XI of the Rules of the House of Representatives is amended—

(A) in paragraph (a)(3) by striking subdivision (A) and by redesignating subdivisions (B) and (C) as subdivisions (A) and (B), respectively; and

(B) in paragraph (a)(3)(A) (as redesignated) by inserting "during congressional working hours" after "business"; and

(C) in paragraph (b)(1) by striking ", without regard to race, creed, sex, or age".

(c) Clarification of Political Activities.—The second sentence of clause 6 of rule XLIII of the Rules of the House of Representatives is amended to read as follows: "A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes.".

31 USC 1344 note.

(d) Use of Official Vehicles.—The Committee on House Administration of the House of Representatives shall take such action as may be necessary to carry out section 503 with respect to vehicles of the House of Representatives.

2 USC 29d note.

(e) Use of Campaign Vehicles.—The Committee on Standards of Official Conduct of the House of Representatives shall issue an advisory opinion to provide for appropriate conditions for the incidental noncampaign use of vehicles owned or leased by a campaign committee of a Member of the House of Representatives.

(f) Conforming Amendment.—Clause 1 of rule XLIV of the Rules of the House of Representatives is amended by striking "July 1" and by inserting "August 1" and by striking "May 15" and by inserting "June 15".

(g) Effective Date.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 803. REFORMS RESPECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

(a) Membership of Committee on Standards of Official Conduct.—Clause (6)(a)(2) of rule X of the Rules of the House of Representatives is amended by inserting at the end the following: "No Member shall serve as a member of the Committee on Standards of Official Conduct during more than 3 Congresses in any period of 5 successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress).".

2 USC 29d.

(b) COMMITTEE COMPOSITION.—The respective party caucus or conference of the House of Representatives shall each nominate to the House of Representatives at the beginning of each Congress 7 members to serve on the Committee on Standards of Official Conduct.

2 USC 29d.

(c) INVESTIGATIVE SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

(1) for the establishment of a 4 or 6-member investigative subcommittee (with equal representation from the majority and minority parties) whenever the committee votes to undertake any investigation;

(2) that the senior majority and minority members on an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee; and

(3) that the chairman and ranking minority member of the full committee may only serve as non-voting, ex officio members on an investigative subcommittee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any investigative subcommittee.

2 USC 29d.

(d) ADJUDICATORY SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

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(1) that upon the completion of an investigation, an investigative subcommittee shall report its findings and recommendations to the committee;

(2) that, if an investigative subcommittee by majority vote of its membership adopts a statement of alleged violation, the remaining members of the committee shall comprise an adjudicatory subcommittee to hold a disciplinary hearing on the violation alleged in the statement;

(3) that any statement of alleged violation and any written response thereto shall be made public at the first meeting or hearing on the matter which is open to the public after the respondent has been given full opportunity to respond to the statement in accordance with committee rules, but, if no public hearing or meeting is held on the matter, the statement of alleged violation and any written response thereto shall be included in the committee's final report to the House of Representatives as required by clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives;

(4) that a quorum for an adjudicatory subcommittee for the purpose of taking testimony and conducting any business shall consist of a majority of the membership of the subcommittee plus one; and

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(5) that an adjudicatory subcommittee shall determine, after receiving evidence, whether the counts in the statement have been proved and shall report its findings to the committee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any adjudicatory subcommittee.

(e) ADMINISTRATIVE ACTIONS.—Clause 4(e)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting after "House" the second time it appears the following: ", and any letter of reproval or other administrative action of the committee pursuant to an investigation under subdivision (B) shall only be issued or implemented as a part of a report required by such subdivision".

(f) REPORT TO THE HOUSE.—Clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives is amended by striking everything after "hearing" through the semicolon and by inserting the following: "(unless the right to a hearing is waived by the Member, officer, or employee), shall report to the House its findings of fact and recommendations, if any, upon the final disposition of any such investigation, and such action as the committee may deem appropriate in the circumstances;".

(g) STATUTE OF LIMITATIONS.—Clause 4(e)(2)(C) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: "; nor shall any investigation be undertaken by the committee of any alleged violation which occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to any alleged violation which occurred in a more recent Congress".

(h) RIGHT TO COUNSEL.—Clause 1 of rule XXXII of the Rules of the House of Representatives is amended by inserting "and one attorney to accompany any Member who is the respondent in an investigation undertaken by the Committee on Standards of Official Conduct when the recommendation of such committee is under consideration;" after the last semicolon.

2 USC 29d.
Establishment.

(i) ADVICE AND EDUCATION.—

(1) The Committee on Standards of Official Conduct shall establish within the committee an Office on Advice and Education (hereinafter in this subsection referred to as the "Office") under the supervision of the chairman.

(2) The Office shall be headed by a director who shall be appointed by the chairman, in consultation with the ranking minority member, and shall be comprised of such staff as the chairman determines is necessary to carry out the responsibilities of the Office.

(3) The primary responsibilities of the Office shall include:

(A) Providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.

(B) Submitting to the chairman and ranking minority member of the committee any written request from any such Member, officer or employee for an interpretation of applicable laws, rules, regulations, or other standards of conduct, together with any recommendations thereon.

(C) Recommending to the committee for its consideration formal advisory opinions of general applicability.

(D) Developing and carrying out, subject to the approval of the chairman, periodic educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them.

(4) No information provided to the Committee on Standards of Official Conduct by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct of such Member, officer or employee may be used as the basis for initiating an investigation under clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives, if such Member, officer or employee acts in accordance with the written advice of the committee.

2 USC 29d.

(j) Effective Date.—This section shall take effect immediately before noon January 3, 1991, except that subsections (g), (h), and (i) shall take effect on January 1, 1990.

SEC. 804. ELIMINATION OF HONORARIA AND LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) Honoraria and Outside Earned Income.—Clauses 1 and 2 of rule XLVII of the Rules of the House of Representatives are amended to read as follows:

"1. (a)(1) Except as provided by subparagraph (2), in calendar year 1991 or thereafter, a Member or an officer or employee of the House may not—

"(A) have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year; or

"(B) receive any honorarium.

"(2) In the case of any individual who becomes a Member or an officer or employee of the House during calendar year 1991 or thereafter, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer, or employee during such calendar year and the denominator of which is 365.

"(3) In calendar year 1991 or thereafter, any payment in lieu of an honorarium which is made to a charitable organization on behalf of a Member, officer or employee of the House may not be received by such individual. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"(b)(1) Except as provided by subparagraph (2), in calendar year 1990, a Member may not have outside earned income (including honoraria received in such calendar year) attributable to such calendar year which exceeds 30 percent of the annual pay as a Member to which the Member was entitled in 1989.

"(2) In the case of any individual who becomes a Member during calendar year 1990, such individual may not have outside earned income (including honoraria) attributable to the portion of that calendar year which occurs after such individual becomes a Member which exceeds 30 percent of $89,500 multiplied by a fraction the numerator of which is the number of days such individual is a Member during such calendar year and the denominator of which is 365.".

(b) Limitations on Outside Employment.—Rule XLVII of the Rules of the House of Representatives is amended by inserting after clause 1 the following new clause:

"2. On or after January 1, 1991, a Member or an officer or employee of the House shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, without the prior notification and approval of the Committee on Standards of Official Conduct.".

(c) Definitions.—Clause 3 of rule XLVII is amended—

(1) by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), respectively, and by inserting after paragraph (a) the following new paragraph:

"(b)(1) Except as provided by paragraph (2), the term 'officer or employee of the House' means any individual (other than a Member) whose pay is disbursed by the Clerk and who is paid at a rate equal to or greater than the annual rate of basic pay in effect for grade GS–16 of the General Schedule under section 5332 of title 5, United States Code, and so employed for more than 90 days in a calendar year.

"(2) When used with respect to honoraria, the term 'officer or employee of the House' means any individual (other than a Member) whose salary is disbursed by the Clerk.";

(2) by striking paragraphs (c) and (d) (as redesignated) and by inserting the following:

"(c) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member or an officer or employee of the House, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(d) The term 'travel expenses' means, with respect to a Member or an officer or employee of the House, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.".

(3) in paragraph (e) (as redesignated)—

(A) by striking "professional fees, honorariums," and inserting "fees,";

(B) by striking "(other than copyright royalties)"; and

(C) by striking "and" at the end of subparagraph (3), by striking the period at the end of subparagraph (4) and inserting "; and", and by inserting after subparagraph (4) the following:

"(5) copyright royalties received from established publishers pursuant to usual and customary contractual terms."; and

(4) by inserting at the end the following:

"(f) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

(d) Title Change.—The title of rule XLVII of the Rules of the House of Representatives is amended to read as follows: "LIMITATIONS ON OUTSIDE EMPLOYMENT AND EARNED INCOME.".

best copy available

Effective date.

(e) CONFORMING AMENDMENT.—Effective January 1, 1991, clause 5 of rule XLIII of the Rules of the House of Representatives is amended by striking everything after "activity" and inserting a period.

(f) EFFECTIVE DATE.—Except as provided by subsection (e), the amendments made by this section shall take effect on January 1, 1990. The amendments made by this section shall cease to be effective if the provisions of section 703 are subsequently repealed, in which case the rules in effect before the amendments made by this section shall be deemed to be readopted.

SEC. 805. RESTRICTIONS ON REIMBURSABLE TRAVEL EXPENSES.

(a) RESTRICTIONS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of necessary travel expenses incurred on or after January 1, 1990, in connection with speaking engagements and similar events to—

(1) prohibit the acceptance of such expenses for more than 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of foreign travel; and

(2) permit the acceptance of travel expenses for the spouse or other family member in connection with any substantial participation event or fact-finding activity.

(b) EXEMPTION AUTHORITY.—The Committee on Standards of Official Conduct of the House of Representatives is authorized to grant prior written exemptions from the limitations contained in subsection (a)(1) in exceptional circumstances.

SEC. 806. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House and shall supersede other rules only to the extent they are inconsistent therewith; and with full recognition of the constitutional right of the House to change such rules (so far as relating to the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

TITLE IX—REGULATIONS RELATING TO THE SENATE

2 USC 31-2.

SEC. 901. GIFTS AND TRAVEL.

(a) GIFTS.—(1) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless,

in an unusual case, a waiver is granted by the Select Committee on Ethics.

(3) In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in paragraph (5)) given by such individual to such person, organization, or corporation during that calendar year.

(4) For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

(5) The prohibitions of this subsection do not apply to gifts—

(A) from relatives;

(B) with a value of less than $75;

(C) of personal hospitality of an individual; or

(D) from an individual who is a foreign national if that individual is not acting; directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

(6) For purposes of this subsection—

(A) the term "gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals or beverages consumed or enjoyed, provided the meals or beverages are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(B) the term "relative" has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(7) If a Member, officer, or employee after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph (1) such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

(8)(A) Notwithstanding the provisions of this subsection, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the select Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(B) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals, participating, the supervisors of such individuals where applicable; and the nature and itinerary of such program.

(C) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (A) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

(b) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—The term "necessary expenses", with respect to limits on domestic and foreign travel by Members and staff of the Senate, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

5 USC app. 111 note.

SEC. 902. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

(b) For purposes of this section, the head of the employing office shall be—

(A) in the case of an employee of a Member, the Member by whom that person is employed;

(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.

SEC. 903. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

2 USC 60-2.

(a) Except as provided by subsection (b), any employee of the Senate who is required to file a report pursuant to Senate rules shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

(b) Subsection (a) shall not apply if an employee first advises his supervisor of his significant financial interest and obtains from such supervisor a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.

TITLE X—RULEMAKING POWER OF THE CONGRESS

SEC. 1001. RULEMAKING POWER OF THE CONGRESS.

5 USC app. 101 note.

The provisions of this Act that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE XI—PAY AND HONORARIA ADJUSTMENTS

SEC. 1101. ADJUSTMENTS IN RATES OF PAY AND REDUCTION IN HONORARIUM OF SENATORS.

5 USC 5305 note.

(a)(1) ADJUSTMENTS IN RATES OF PAY.—Notwithstanding any other provision of law (including any provision of this Act or amendment made by this Act), effective as provided in paragraph (2), the rate of pay of each office and position of United States Senator, the President pro tempore of the Senate, and the majority and minority leaders of the Senate shall be increased by—

(A) the percentage increase that would have taken effect in fiscal year 1988 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each such office and position in effect on January 1, 1988 without regard to section 108 of the resolution entitled "Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987 (101 Stat. 1329-434; 5 U.S.C. 5305 note);

(B) the percentage increase that would have taken effect in fiscal year 1989 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each such office and position in effect on January 1, 1989 (as adjusted under subparagraph (A) of this paragraph) without regard to subsection (b) of section 620 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Public Law 100-440; 102 Stat. 1756; 5 U.S.C. 5305 note); and

(C) the percentage increase that would take effect in fiscal year 1990 by the application of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (as adjusted under subparagraphs (A) and (B) of this paragraph) without regard to subsection (b) of section 619 of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136).

(2) The increase in the rates of pay for each office and position described under paragraph (1) shall be effective on the first day of the first pay period beginning on or after January 1, 1990.

(b) REDUCTION OF HONORARIUM.—Section 908(b) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the provisions of this subsection—

"(A) the percentage referred to under paragraphs (1) and (2) shall be 27 percent as such paragraphs apply to United States Senators in the calendar year beginning on January 1, 1990;

"(B)(i) beginning on and after January 1, 1991, if the aggregate salary of a United States Senator is increased pursuant to section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), or any other provision of law, the percentage referred to under paragraphs (1) and (2) (with respect to United States Senators) shall be reduced by a percentage resulting in a dollar amount decrease in the limit of honorarium for each dollar amount of increase of such aggregate salary; and

"(ii) beginning on January 1 of the calendar year in which the adjustments under clause (i) of this subparagraph result in a limitation of accepting honoraria less than or equal to 1 percent of the aggregate salary paid to United States Senators for service as Senators in such calendar year, the acceptance of honoraria shall be prohibited, and thereafter no Senator shall accept honoraria.".

2 USC 31-1 note.

(c) SPECIAL RULE.—Notwithstanding any other provision of this section, no adjustment in any rate of pay and section 908(b)(4)(A) of the Supplemental Appropriations Act, 1983, as added by subsection (b) of this section, shall become effective, as a result of the enactment of

this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

Approved November 30, 1989.

LEGISLATIVE HISTORY—H.R. 3660:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 16, considered and passed House.
Nov. 17, considered and passed Senate, amended. House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Nov. 30, Presidential statement.

Public Law 101-195
101st Congress

An Act

Dec. 5, 1989
[S. 974]

To designate certain lands in the State of Nevada as wilderness, and for other purposes.

Nevada Wilderness Protection Act of 1989. Conservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

National Wilderness Preservation System. 16 USC 1132 note.

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map entitled "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989, and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness";

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Currant Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled "East Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated October, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated September, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Santa Rosa-Paradise Peak Wilderness".

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Public information.

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

Highways.

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) Findings.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) Determination.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d),

that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600-1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) Revisions.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) Application of Section.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in the unit plans listed below, which are not designated as wilderness in section 2:

National Forest	Unit plan
Humboldt	Santa Rosa
Humboldt	Ruby Mt./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) Livestock Grazing.—Grazing of livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) Review.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in National Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) Reports.—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the Forest Service in carrying out the provisions of subsections (a) and (b).

SEC. 7. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 8. WATER ALLOCATION AUTHORITY.

(a) Within the wilderness areas designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

Claims.

(c) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto.

SEC. 9. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

SEC. 10. CLIMATOLOGICAL DATA COLLECTION.

Flood control.
Water.

Subject to such reasonable terms and conditions as the Secretary may prescribe, nothing in this Act or the Wilderness Act shall be construed to prevent, where appropriate, the installation and maintenance of hydrologic, meteorologic, or climatological collection devices within the wilderness areas or additions thereto designated by this Act, where such facilities and access thereto are essential to flood warning, flood control and water reservoir operation purposes.

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

Approved December 5, 1989.

LEGISLATIVE HISTORY—S. 974:

HOUSE REPORTS: No. 101-339, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-113 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  Sept. 20, considered and passed Senate.
  Nov. 16, 17, considered and passed House, amended.
  Nov. 20, Senate concurred in House amendments with an amendment.
  Nov. 21, House concurred in Senate amendment.

Public Law 101-196
101st Congress

Joint Resolution

Dec. 5, 1989
[S.J. Res. 16]

Designating November 1989 and November 1990 as "National Alzheimer's Disease Month".

Whereas more than two and one-half million Americans are affected by Alzheimer's disease, which is a surprisingly common disorder that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 45 per centum of all nursing home admissions, at an annual cost of more than $80,000,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's Disease and recognition of national organizations such as the Alzheimer's Disease and Related Disorders Association and the American Health Assistance Foundation may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1989 and November 1990 are designated as "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

Approved December 5, 1989.

LEGISLATIVE HISTORY—S.J. Res. 16:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Aug. 3, considered and passed Senate.
Nov. 7, considered and passed House, amended.
Nov. 21, Senate concurred in House amendments.

Public Law 101-197
101st Congress

Joint Resolution

Designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week".

Dec. 5, 1989
[S.J. Res. 205]

Whereas the presence of drugs and narcotics in our society has resulted in innumerable problems of human, community, social, and economic dimensions;

Whereas the dissolution of the family, inadequate education system, poverty, unemployment, and greed all contribute to illegal drug use;

Whereas the consequences of drug-related problems are witnessed in the loss of human lives, the loss of economic productivity, and the diversion of public resources to address these problems on all fronts;

Whereas the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people;

Whereas illegal drugs plague urban, suburban, and rural communities of all sizes and regions;

Whereas illegal drugs constitute a problem in our community and lead to a host of problems such as homicide, robbery, burglary, and other crimes and domestic violence;

Whereas a national response is needed to curtail the importation, trafficking, sale, and abuse of drugs;

Whereas our Nation's cities and towns carry the heaviest burden in confronting the Nation's drug problem;

Whereas hundreds of America's dedicated public servants have died and thousands of others risk their lives daily in our cities' individual battles against illegal drugs and in the criminal activities stemming from illegal drugs; and

Whereas the National League of Cities has called on the President and the Congress to join in a partnership in fighting drugs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 3 through 9, 1989, is designated as "National Cities Fight Back Against Drugs Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved December 5, 1989.

LEGISLATIVE HISTORY—S.J. Res. 205:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 17, considered and passed Senate.
Nov. 21, considered and passed House.

Public Law 101-198
101st Congress

Joint Resolution

Dec. 6, 1989
[H.J. Res. 448]

Making supplemental appropriations for the fiscal year 1990, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1990, and for other purposes, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for carrying out the Social Services Block Grant Act, $100,000,000: *Provided,* That this amount shall only become available if specifically authorized in law.

Approved December 6, 1989.

LEGISLATIVE HISTORY—H.J. Res. 448:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 21, considered and passed House and Senate.

Public Law 101-199
101st Congress

An Act

To designate the building located at 2562 Hylan Boulevard, Staten Island, New York, as the "Walter Edward Grady United States Post Office Building".

Dec. 6, 1989
[H.R. 481]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 2562 Hylan Boulevard, Staten Island, New York, known as the New Dorp Station, is designated as the "Walter Edward Grady United States Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Walter Edward Grady United States Post Office Building.

Approved December 6, 1989.

LEGISLATIVE HISTORY—H.R. 481:

CONGRESSIONAL RECORD, Vol. 135 (1989):
May 2, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 101-200
101st Congress

An Act

Dec. 6, 1989
[H.R. 3294]

To authorize distribution within the United States of the United States Information Agency film entitled "A Tribute to Mickey Leland".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "A TRIBUTE TO MICKEY LELAND".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "A Tribute to Mickey Leland"; and

Historic preservation.

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) deposit that film in the National Archives of the United States; and

(B) make copies of that film available for purchase and public viewing within the United States.

Approved December 6, 1989.

LEGISLATIVE HISTORY—H.R. 3294:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 16, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 101-201
101st Congress

An Act

To exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs.

Dec. 6, 1989
[S. 892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGENT ORANGE SETTLEMENT PAYMENTS EXCLUDED FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS.

(a) In General.—That none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

(b) Effective Date.—The provision in subsection (a) shall become effective January 1, 1989.

Approved December 6, 1989.

LEGISLATIVE HISTORY—S. 892 (H.R. 1129):

HOUSE REPORTS: No. 101-373 accompanying H.R. 1129 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 135 (1989):
June 8, considered and passed Senate.
Nov. 17, H.R. 1129 considered and passed House; proceedings vacated and S. 892, amended, passed in lieu.
Nov. 20, Senate concurred in House amendment.

Public Law 101-202
101st Congress

An Act

Dec. 6, 1989
[S. 1960]

To authorize the food stamp portion of the Minnesota Family Investment Plan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding the following new section:

7 USC 2031.

"Sec. 22. (a) **In General.**—

"(1) Subject to paragraph (2), upon written application of the State of Minnesota that complies with this section and sections 6 to 11, 13, 130, and 132 of article 5 of 282 of the 1989 Laws of Minnesota, and after approval of such application by the Secretary in accordance with subsections (b) and (d), the State may implement a family investment demonstration project (hereinafter in this section referred to as the 'Project') in parts of the State to determine whether the Project more effectively helps families to become self-supporting and enhances their ability to care for their children than do the food stamp program and programs under parts A and F of title IV of the Social Security Act. The State may provide cash payments under the Project, subject to paragraph (2), that replace assistance otherwise available under the food stamp program and under part A of title IV of the Social Security Act.

"(2) The Project may be implemented only in accordance with this section and only if the Secretary of Health and Human Services approves an application submitted by the State permitting the State to include in the Project families who are eligible to receive benefits under part A of title IV of the Social Security Act.

"(b) **Required Terms and Conditions of the Project.**—The application submitted by the State under subsection (a) shall provide an assurance that the Project shall satisfy all of the following requirements:

"(1) Only families may be eligible to receive assistance and services through the Project.

"(2) Participating families, families eligible for or participating in the program authorized under part A of title IV of the Social Security Act or the food stamp program that are assigned to and found eligible for the Project, and families required to submit an application for the Project that are found eligible for the Project shall be ineligible to receive benefits under the food stamp program.

"(3)(A) Subject to the provisions of this paragraph and any reduction imposed under subsection (c)(3) of this section, the value of assistance provided to participating families shall not be less than the aggregate value of the assistance such families could receive under the food stamp program and part A of title IV of the Social Security Act if such families did not participate in the Project.

Children and youth.

"(B) For purposes of satisfying the requirement specified in subparagraph (A)—

"(i) payments for child care expenses under the Project shall be considered part of the value of assistance provided to participating families with earnings;

"(ii) payments for child care expenses for families without earnings shall not be considered part of the value of assistance provided to participating families or the aggregate value of assistance that such families could have received under the food stamp program and part A of title IV of the Social Security Act; and

"(iii) any child support payments not assigned to the State under the provisions of part A of title IV of the Social Security Act, less $50 per month, shall be considered part of the aggregate value of assistance participating families would receive if such families did not participate in the Project;

"(C) For purposes of satisfying the requirement specified in subparagraph (A), the State shall—

"(i) identify the sets of characteristics indicative of families that might receive less assistance under the Project;

"(ii) establish a mechanism to determine, for each participating family that has a set of characteristics identified under clause (i) whether such family could receive more assistance, in the aggregate, under the food stamp program and part A of title IV of the Social Security Act if such family did not participate in the project;

"(iii) increase the amount of assistance provided under the Project to any family that could receive more assistance, in the aggregate, under the food stamp program and part A of title IV of the Social Security Act if such family did not participate in the Project, so that the assistance provided under the Project to such family is not less than the aggregate amount of assistance such family could receive under the food stamp program and part A of title IV of the Social Security Act if such family did not participate in the Project; and

"(iv) increase the amount of assistance paid to participating families, if the State or locality imposes a sales tax on food, by the amount needed to compensate for the tax.

This subparagraph shall not be construed to require the State to make the determination under clause (ii) for families that do not have a set of characteristics identified under clause (i).

"(D)(i) The State shall designate standardized amounts of assistance provided as food assistance under the Project and notify monthly each participating family of such designated amount.

"(ii) The amount of food assistance so designated shall be at least the value of coupons such family could have received under the food stamp program if the Project had not been implemented. The provisions of this subparagraph shall not require that the State make individual determinations as to the amount of assistance under the Project designated as food assistance.

"(iii) The State shall periodically allow participating families the option to receive such food assistance in the form of coupons.

"(E)(i) Individuals ineligible for the Project who are members of a household including a participating family shall have their eligibility for the food stamp program determined and have their benefits calculated and issued following the standards established under the food stamp program, except as provided differently in this subparagraph.

"(ii) The State agency shall determine such individuals' eligibility for benefits under the food stamp program and the amount of such benefits without regard to the participating family.

"(iii) In computing such individuals' income for purposes of determining eligibility (under section 5(c)(1)) and benefits, the State agency shall apply the maximum excess shelter expense deduction specified under section 5(e).

"(iv) Such individuals' monthly allotment shall be the higher of $10 or 75 percent of the amount calculated following the standards of the food stamp program and the foregoing requirements of this subparagraph, rounded to the nearest lower whole dollar.

Education.
Employment and unemployment.

"(4) The Project shall include education, employment, and training services equivalent to those offered under the employment and training program described in section 6(d)(4) to families similar to participating families elsewhere in the State.

"(5) The State may select families for participation in the Project through submission and approval of an application for participation in the Project or by assigning to the Project families that are determined eligible for or are participating in the program authorized by part A of title IV of the Social Security Act or the food stamp program.

"(6) Whenever selection for participation in the Project is accomplished through submission and approval of an application for the Project—

"(A) the State shall promptly determine eligibility for the Project, and issue assistance to eligible families, retroactive to the date of application, not later than thirty days following the family's filing of an application;

"(B) in the case of families determined ineligible for the Project upon application, the application for the Project shall be deemed an application for the food stamp program, and benefits under the food stamp program shall be issued to those found eligible following the standards established under the food stamp program;

"(C) expedited benefits shall be provided under terms no more restrictive than under paragraph (9) of section 11(e) and the laws of Minnesota and shall include expedited issuance of designated food assistance provided through the Project or expedited benefits through the food stamp program;

"(D) each individual who contacts the State in person during office hours to make what may reasonably be interpreted as an oral or written request to receive financial assistance shall receive and shall be permitted to file an application form on the same day such contact is first made;

Communications and telecommunications.
Mail.
Aged persons.
Handicapped persons.

"(E) provision shall be made for telephone contact by, mail delivery of forms to and mail return of forms by, and subsequent home or telephone interview with, elderly individuals, physically or mentally handicapped individuals, and individuals otherwise unable to appear in person solely because of transportation difficulties and similar hardships;

"(F) a family may be represented by another person if the other person has clearly been designated as the representative of such family for that purpose and the representative is an adult who is sufficiently aware of relevant circumstances, except that the State may—

"(i) restrict the number of families who may be represented by such person; and

"(ii) otherwise establish criteria and verification standards for representation under this subparagraph; and

Homeless persons.

"(G) the State shall provide a method for reviewing applications to participate in the Project submitted by, and distributing assistance under the Project to, families that do not reside in permanent dwellings or who have no fixed mailing address.

"(7) Whenever selection for participation in the Project is accomplished by assigning families that are determined eligible for or participating in the program authorized by part A of title IV of the Social Security Act or the food stamp program—

"(A) the State shall provide eligible families assistance under the Project no later than benefits would have been provided following the standards established under the food stamp program; and

"(B) the State shall ensure that assistance under the Project is provided so that there is no interruption in benefits for families participating in the program under part A of title IV of the Social Security Act or the food stamp program.

"(8) Paragraphs (1)(B) and (8) of section 11(e) shall apply with respect to applicants and participating families in the same manner as such paragraphs apply with respect to applicants and participants in the food stamp program.

"(9) Assistance provided under the Project shall be reduced to reflect the pro rata value of any coupons received under the food stamp program for the same period.

"(10)(A) The State shall provide each family or family member whose participation in the Project ends and each family whose participation is terminated with notice of the existence of the food stamp program and the person or agency to contact for more information.

"(B)(i) Following the standards specified in subparagraph (C), the State shall ensure that benefits under the food stamp program are provided to participating families in case the Project is terminated or to participating families or family members that are determined ineligible for the Project because of income, resources, or change in household composition, if such families or individuals are determined eligible for the food stamp program. Food coupons shall be issued to eligible families and individuals described in this clause retroactive to the date of termination from the Project; and

"(ii) If sections 256.031 through 256.036 of the Minnesota Statutes, 1989 Supplement, or Minnesota Laws 1989, chapter 282, article 5, section 130, are amended to reduce or eliminate benefits provided under those sections or restrict the rights of

Project applicants or participating families, the State shall exclude from the Project applicants or participating families or individuals affected by such amendments and follow the standards specified in subparagraph (C), except that the State shall continue to pay from State funds an amount equal to the food assistance portion to such families and individuals until the State determines eligibility or ineligibility for the food stamp program or the family or individual has failed to supply the needed additional information within ten days. Food coupons shall be provided to families and individuals excluded from the Project under this clause who are determined eligible for the food stamp program retroactive to the date of the determination of eligibility. The Secretary shall pay to the State the value of the food coupons for which such families and individuals would have been eligible in the absence of food assistance payments under this clause from the date of termination from the Project to the date food coupons are provided.

"(C) Each family whose Project participation is terminated shall be screened for potential eligibility for the food stamp program and if the screening indicates potential eligibility, the family or family member shall be given a specific request to supply all additional information needed to determine such eligibility and assistance in completing a signed food stamp program application including provision of any relevant information obtained by the State for purpose of the Project. If the family or family member supplies such additional information within ten days after receiving the request, the State shall, within five days after the State receives such information, determine whether the family or family member is eligible for the food stamp program. Each family or family member who is determined through the screening or otherwise to be ineligible for the food stamp program shall be notified of that determination.

"(11) Section 11(e)(10) shall apply with respect to applicant and participating families in the same manner as such paragraph applies with respect to applicants and participants in the food stamp program, except that families shall be given notice of any action for which a hearing is available in a manner consistent with the notice requirements of the regulations implementing sections 402(a)(4) and 482(h) of the Social Security Act.

"(12) For each fiscal year, the Secretary shall not be liable for any costs related to carrying out the Project in excess of those that the Secretary would have been liable for had the Project not been implemented, except for costs for evaluating the Project, but shall adjust for the full amount of the federal share of increases or decreases in costs that result from changes in economic, demographic, and other conditions in the State based on data specific to the State, changes in eligibility or benefit levels authorized by the Food Stamp Act, as amended, or changes in amounts of Federal funds available to States and localities under the food stamp program.

"(13) The State shall carry out the food stamp program throughout the State while the State carries out the Project.

"(14)(A) Except as provided in subparagraph (B), the State will carry out the Project during a five-year period beginning on the date the first family receives assistance under the Project.

"(B) The Project may be terminated—

"(i) by the State one hundred and eighty days after the State gives notice to the Secretary that it intends to terminate the Project;

"(ii) by the Secretary one hundred and eighty days after the Secretary, after notice and an opportunity for a hearing, determines that the State materially failed to comply with this section; or

"(iii) whenever the State and the Secretary jointly agree to terminate the Project.

"(15) Not more than six thousand families may participate in the Project simultaneously.

"(c) ADDITIONAL TERMS AND CONDITIONS OF THE PROJECT.—The Project shall be subject to the following additional terms and conditions:

"(1) The State may require any parent in a participating family to participate in education, employment, or training requirements unless the individual is a parent in a family with one parent who—

"(A) is ill, incapacitated, or sixty years of age or older;

"(B) is needed in the home because of the illness or incapacity of another family member;

"(C) is the parent of a child under one year of age and is personally providing care for the child;

"(D) is the parent of a child under six years of age and is employed or participating in education or employment and training services for twenty or more hours a week;

"(E) works thirty or more hours a week or, if the number of hours worked cannot be verified, earns at least the Federal minimum hourly wage rate multiplied by thirty per week; or

"(F) is in the second or third trimester of pregnancy.

"(2) The State shall not require any parent of a child under six years of age in a participating family with only one parent to be employed or participate in education or employment and training services for more than twenty hours a week.

"(3) For any period during which an individual required to participate in education, employment, or training requirements fails to comply without good cause with a requirement imposed by the State under paragraph (1), the amount of assistance to the family under the Project may be reduced by an amount not more than 10 percent of the assistance the family would be eligible for with no income other than that from the Project.

"(d) FUNDING.—

"(1) If an application submitted under subsection (a) complies with the requirements specified in subsection (b), then the Secretary shall—

"(A) approve such application; and

"(B) subject to subsection (b)(12) from the funds appropriated under this Act provide grant awards and pay the State each calendar quarter for—

"(i) the cost of food assistance provided under the Project equal to the amount that would have otherwise been issued in the form of coupons under the food stamp program had the Project not been implemented, as estimated under a methodology satisfactory to the Secretary after negotiations with the State; and "(ii) the administrative costs incurred by the State to provide food assistance under the Project that are authorized under subsections (a), (g), (h)(2), and (h)(3) of section 16 equal to the amount that otherwise would have been paid under such subsections had the Project not been implemented, as estimated under a methodology satisfactory to the Secretary after negotiations with the State: *Provided,* That payments made under subsection (g) of section 16 shall equal payments that would have been made if the Project had not been implemented.

"(2) The Secretary shall periodically adjust payments made to the State under paragraph (1) to reflect—

"(A) the cost of coupons issued to individuals ineligible for the Project specified in subsection (b)(3)(E) in excess of the amount that would have been issued to such individuals had the Project not been implemented, as estimated under a methodology satisfactory to the Secretary after negotiations with the State; and

"(B) the cost of coupons issued to families exercising the option specified in paragraph (b)(3)(D)(iii) in excess of the amount that would have been issued to such individuals had the Project not been implemented, as estimated under a methodology satisfactory to the Secretary after negotiations with the State.

"(3) Payments under paragraph (1)(B) shall include adjustments, as estimated under a methodology satisfactory to the Secretary after negotiations with the State, for increases or decreases in the costs of providing food assistance and associated administrative costs that result from changes in economic, demographic, or other conditions in the State based on data specific to the State, changes in eligibility or benefit levels authorized by the Food Stamp Act, as amended, and changes in or additional amounts of Federal funds available to States and localities under the food stamp program.

"(e) WAIVER.—With respect to the Project, the Secretary shall waive compliance with any requirement contained in this Act (other than this section) that, if applied, would prevent the State from carrying out the Project or effectively achieving its purpose.

"(f) PROJECT AUDITS.—The Comptroller General of the United States shall—

"(1) conduct periodic audits of the operation of the Project to verify the amounts payable to the State from time to time under subsection (d); and

Reports.

"(2) submit to the Secretary, the Secretary of Health and Human Services, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of each such audit.

"(g) CONSTRUCTION.—(1) For purposes of any Federal, State, or local law other than part A of title IV of the Social Security Act or the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)—

"(A) cash assistance provided under the Project that is designated as food assistance by the State shall be treated in the same manner as coupon allotments under the food stamp program are treated; and

"(B) participating families shall be treated in the same manner as participants in the food stamp program are treated.

"(2) Nothing in this section shall—

"(A) allow payments made to the State under the Project to be less than the amounts the State and eligible households within the State would have received if the Project had not been implemented; or

"(B) require the Secretary to incur costs as a result of the Project in excess of costs that would have been incurred if the Project had not been implemented, except for costs for evaluation.

"(h) Quality Control.—Participating families shall be excluded from any sample taken for purposes of making any determination under section 16(c). For purposes of establishing the total value of allotments under section 16(c)(1)(C), food coupons and the amount of federal liability for food assistance provided under the Project as limited by subsection b(12) of this section shall be treated as allotments issued under the food stamp program. Payments for administrative costs incurred by the State shall be included for purposes of establishing the adjustment under section 16(c)(1)(A).

"(i) Evaluation.—(1) The State shall develop and implement a plan for an independent evaluation designed to provide reliable information on Project impacts and implementation. The evaluation will include treatment and control groups and will include random assignment of families to treatment and control groups in an urban setting. The evaluation plan shall satisfy the evaluation concerns of the Secretary of Agriculture such as effects on benefits to participants, costs of the Project, payment accuracy, administrative consequences, any reduction in welfare dependency, any reduction in total assistance payments, and the consequences of cash payments on household expenditures, and food consumption. The evaluation plan shall take into consideration the evaluation requirements and administrative obligations of the State. The evaluation will measure the effects of the Project in regard to goals of increasing family income, prevention of long-term dependency, movement toward self-support, and simplification of the welfare system.

"(2) The State shall pay 50 percent of the cost of developing and implementing such plan and the Federal Government shall pay the remainder.

"(j) Definitions.—For purposes of this section, the following definitions apply:

"(1) The term 'family' means the following individuals who live together: a minor child or a group of minor children related to each other as siblings, half siblings, stepsiblings, or adopted siblings, together with their natural or adoptive parents, or their caregiver. Family also includes a pregnant woman in the third trimester of pregnancy with no children.

"(2) The term 'contract' means a plan to help a family pursue self-sufficiency, based on the State's assessment of the family's needs and abilities and developed with a parental caregiver.

"(3) The term 'caregiver' means a minor child's natural or adoptive parent or parents who live in the home with the minor child. For purposes of determining eligibility for the Project, 'caregiver' also means any of the following individuals who live with and provide care and support to a minor child when the minor child's natural or adoptive parent or parents do not reside in the same home: grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, persons of preceding generations as denoted by prefixes of 'great' or 'great-great' or a spouse of any person named in the above groups even after the marriage ends by death or divorce.

"(4) The term 'State' means the State of Minnesota.".

Approved December 6, 1989.

LEGISLATIVE HISTORY—S. 1960:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 21, considered and passed Senate and House.

Public Law 101-203
101st Congress

An Act

To amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice.

Dec. 7, 1989
[H.R. 972]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO SETTLE CLAIMS.

(a) INCREASED AUTHORITY.—Section 3724 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "$500" and inserting in lieu thereof "$50,000"; and

(B) by striking out "the Director" and all that follows through "Investigation" and inserting in lieu thereof "an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice"; and

(2) in subsection (b) by striking out "The Attorney General" in the first sentence and all that follows through "The" in the second sentence and inserting in lieu thereof the following: "The Attorney General shall report annually to the Congress on all settlements made under this section. With respect to each such settlement, the".

Reports.

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 3724 of title 31, United States Code, is amended to read as follows:

"§ 3724. **Claims for damages caused by investigative or law enforcement officers of the Department of Justice".**

(2) The item relating to section 3724 in the table of sections at the beginning of chapter 37 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice.".

SEC. 2. EFFECTIVE DATE.

31 USC 3724 note.

The amendments made by section 1 shall apply to—

(1) any claim arising on or after the date of the enactment of this Act,

(2) any claim pending on such date, and

(3) any claim arising before such date which has not been settled if the time for presenting the claim to the Attorney General under the last sentence of section 3724(a) of title 31, United States Code, has not expired.

Approved December 7, 1989.

LEGISLATIVE HISTORY—H.R. 972 (S. 604):

HOUSE REPORTS: No. 101-46 (Comm. on the Judiciary).
SENATE REPORTS: No. 101-163 accompanying S. 604 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 135 (1989):
May 9, considered and passed House.
Oct. 27, considered and passed Senate, amended. S. 604 considered and passed Senate.
Nov. 17, House concurred in Senate amendment with an amendment.
Nov. 20, Senate concurred in House amendment.

Public Law 101-204
101st Congress

An Act

Dec. 7, 1989
[H.R. 1312]

To revise and extend the programs of the Domestic Volunteer Service Act of 1973.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Domestic Volunteer Service Act Amendments of 1989.
42 USC 4950 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Domestic Volunteer Service Act of 1973.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

Sec. 101. Selection and assignment of volunteers.
Sec. 102. Support services.
Sec. 103. Applications for assistance by previous recipients.

TITLE II—SERVICE-LEARNING PROGRAMS

Sec. 201. Change in general reference to programs.

TITLE III—SPECIAL VOLUNTEER PROGRAMS

Sec. 301. Authority to establish and operate programs.
Sec. 302. Special initiatives.

TITLE IV—ADMINISTRATION AND COORDINATION

Sec. 401. Reports.
Sec. 402. Evaluation.
Sec. 403. Definitions.

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

Sec. 501. Purposes.
Sec. 502. Programs of national significance.
Sec. 503. Increase in stipend or allowance.
Sec. 504. Volunteers serving without stipends.
Sec. 505. Promotion of programs.
Sec. 506. Administrative costs.
Sec. 507. Multiyear grants or contracts.

TITLE VI—LITERACY

Sec. 601. VISTA Literacy Corps.
Sec. 602. Technical and financial assistance for improvement of volunteer programs.
Sec. 603. Special initiatives.

TITLE VII—GENERAL PROVISIONS

Sec. 701. Assignment of volunteers to health care problems.
Sec. 702. Oath or affirmation.
Sec. 703. Limitation on funds appropriated for grants and contracts.
Sec. 704. Administrative organization.
Sec. 705. Amendments relating to demonstration partnership agreements addressing the needs of the poor.

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

Sec. 801. National volunteer antipoverty programs authorization.
Sec. 802. Priority.
Sec. 803. Administration and coordination.

Sec. 804. Older American volunteer programs.

TITLE IX—TECHNICAL AMENDMENTS

Sec. 901. Amendments to table of contents.
Sec. 902. Technical amendments.

TITLE X—TECHNICAL AMENDMENTS TO OTHER LAWS

Sec. 1001. Technical amendments to the Anti-Drug Abuse Act of 1988.
Sec. 1002. Technical amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.
Sec. 1003. Technical amendments to the Runaway and Homeless Youth Act.
Sec. 1004. Technical amendments to the Missing Children's Assistance Act.

SEC. 2. REFERENCES TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

(a) Recruitment and Placement Procedures.—Subsection (b) of section 103 (42 U.S.C. 4953(b)) is amended to read as follows:

"(b)(1) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers for service under this part.

"(2)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency a volunteer placement office. The office shall be headed by an individual designated by the Director to be the national Administrator of Recruitment and Placement, who shall be responsible for carrying out the functions described in this subsection and subsection (c) and all other functions delegated by the Director relating to the recruitment and placement of volunteers under this part.

"(B) Such volunteer placement office shall develop, operate, and maintain a current and comprehensive central information system that shall, on request, promptly provide information—

"(i) to individuals, with respect to specific opportunities for service as a volunteer with approved projects or programs to which no volunteer has been assigned; and

"(ii) to approved projects or programs, with respect to the availability of individuals whose applications for service as a volunteer have been approved and who are awaiting an assignment with a specific project or program.

"(C) The Director shall, at a minimum, designate one employee of the ACTION Agency in each region of the United States whose primary duties and responsibilities shall be to assist the Administrator in carrying out the functions described in this subsection and subsection (c).

"(D) The Director shall assign or hire as necessary, such additional national, regional, and State personnel to carry out the functions described in this subsection and subsection (c) as may be necessary to ensure that such functions are carried out in a timely and effective manner. The Director shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers under this part and to individuals who have specialized experience in the recruitment of volunteers.

"(3) Volunteers shall be selected from among qualified individuals submitting an application for such service at such time, in such form, and containing such information as may be necessary to evaluate the suitability of each individual for such service and to determine, in accordance with paragraph (7), the most appropriate assignment for each such volunteer. The Director shall approve the application of each individual who applies in conformance with this subsection and who, on the basis of the information provided in the application, is determined by the Director to be qualified to serve as a volunteer under this part.

"(4) Each application for service as a volunteer under this part shall—

"(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

"(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant;

"(C) specify the State or geographic region in which the applicant prefers to be assigned; and

"(D) specify—

"(i) the type of project or program to which the applicant prefers to be assigned; or

"(ii) the particular project or program to which the applicant prefers to be assigned.

"(5) The Director shall ensure that applications for service as a volunteer under this part are available to the public on request to the ACTION Agency (including any State or regional offices of the Agency) and that an individual making such request is informed of the manner in which such application is required to be submitted. A completed application may be submitted by any interested individual to, and shall be accepted by, any office of the ACTION Agency.

"(6) Completed applications received by the ACTION Agency shall be forwarded to the regional ACTION office representing the State in which such applicant resides. The regional or State employees designated in subparagraphs (C) and (D) of paragraph (2) shall assist in evaluating such applications and, to the extent feasible and appropriate, interviewing applicants.

"(7)(A) The Director shall provide for the assignment of each applicant approved as a volunteer under this part to a project or program that is, to the maximum extent practicable, consistent with the abilities, experiences, and preferences of such applicant that are set forth in the application described in paragraph (4) and the needs and preferences of projects or programs approved for the assignment of such volunteers.

"(B) In carrying out subparagraph (A), the Director shall utilize the information system established under paragraph (2)(B).

"(C) A sponsoring organization of VISTA may recruit volunteers for service under this part. The Director shall give a locally recruited volunteer priority for placement in the sponsoring organization of VISTA that recruited such volunteer.

"(D) A volunteer under this part shall not be assigned to any project or program without the express approval and consent of such project or program.

"(E) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract that was designated to receive the services of such applicant may replace such applicant with another qualified applicant approved by the Director.

"(F) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall attempt to assign such volunteers to serve in the home or nearby communities of such volunteers and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers under this subparagraph, recognize that community-identified needs that cannot be met in the local area and the individual desires of VISTA volunteers in regard to the service in various geographical areas of the United States should be taken into consideration.".

(b) PUBLIC AWARENESS AND RECRUITMENT.—Section 103 (42 U.S.C. 4953) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Director, in conjunction with the regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2), shall engage in public awareness and recruitment activities. Such activities shall include—

"(A) public service announcements through radio, television, and the print media;

"(B) advertising through the print media, direct mail, and other means;

"(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

"(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) and including such information in all applications and recruitment materials;

"(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

"(G) maintaining and publicizing a national toll-free telephone number through which individuals may obtain information about opportunities for service as a volunteer under this part and request and receive an application for such service.

"(2) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program established under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

"(3) The Director shall consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection with those of the Peace Corps and to develop joint procedures and activities for the recruitment of volunteers to serve under this part.

"(4) At the beginning of each fiscal year, the Director shall develop an annual plan for the recruitment of volunteers under this part that—

"(A) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

"(B) identifies methods and goals for the recruitment of volunteers during the fiscal year in which such plan is made, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals 18 through 27 years of age, recent graduates of institutions of higher education, and special skilled volunteers; and

"(C) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in subparagraph (B); and

"(D) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in subparagraph (B).

"(5) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive).

"(6) Beginning in fiscal year 1991 and for each fiscal year thereafter, for the purpose of carrying out this subsection, the Director shall obligate not less than 1.5 percent of the amounts appropriated for each fiscal year under section 501(a).".

42 USC 4954 note.

(c) TEMPORARY AUTHORITY FOR EXTENSIONS OF PERIOD OF SERVICE.—

(1) IN GENERAL.—Notwithstanding the limitations established in section 104(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(b)) for the maximum period of service as a volunteer under part A of title I of such Act (42 U.S.C. 4951 et seq.), the Director of the ACTION Agency may, subject to paragraphs (2) and (3), extend beyond such maximum the period of service for such volunteer in any case in which—

(A) such extension is requested by the project or program to which such volunteer involved is assigned; and

(B) such Director determines that such extension is appropriate with respect to meeting the goals of such project or program.

(2) LIMITATIONS ON EXTENSIONS.—With respect to extensions under paragraph (1) for volunteers described in such paragraph—

(A) such an extension shall not exceed a 1-year period;

(B) not more than two of such extensions may be made for any one volunteer; and

(C) not more than 1 percent of the total number of such volunteers serving for the fiscal year involved may receive such extensions.

(2) DURATION OF AUTHORITY.—The authority established in paragraph (1) shall be effective only for fiscal years 1990 through 1993.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in section 102 (42 U.S.C. 4952)—

(A) by striking subsections (b) and (c); and

(B) by striking the subsection designation in subsection (a); and

(2) in section 103 (42 U.S.C. 4953)—

(A) in the heading for such section, by inserting "SELECTION AND" before "ASSIGNMENT";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "work—" and inserting the following: "The Director, on the receipt of applications by a public or nonprofit private organizations to receive volunteers under this part, may assign volunteers selected under subsection (b) to work in appropriate projects and programs sponsored by such organizations, including work—"; and

(C) in subsection (f) (as redesignated by subsection (b)(1)), by striking "subsection (d)," and inserting "subsection (e),".

SEC. 102. SUPPORT SERVICES.

Section 105 (42 U.S.C. 4955) is amended—

(1) in subsection (a)(1), by striking "$75 per month" both places it appears and inserting "$75 per month in fiscal year 1990, $90 per month in fiscal year 1991, and $95 per month in subsequent fiscal years"; and

(2) in subsection (b)—

(A) by inserting "(1)" after the subsection designation;

(B) by striking "places of training)," and inserting "places of training and to and from locations to which volunteers are assigned during periods of service)"; and

(C) by adding at the end the following new paragraphs:

"(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that—

"(A) the minimum allowance is not less than an amount equal to 95 percent of such poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected for each fiscal year; and

Hawaii.
Guam.
American Samoa.
Alaska.

"(B) the average subsistence allowance, excluding allowances for Hawaii, Guam, American Samoa, and Alaska, is no less than 105 percent of such poverty line.

"(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

"(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

Reports.

"(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress not later than 90 days after the date of enactment of the fiscal year 1990 appropriation.".

SEC. 103. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by adding at the end the following new section:

42 USC 4960.

"SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

"(a) Duration.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) Consideration of Application.—The Director shall consider each application for the renewal of assistance under this part to any project or program on an individualized, case-by-case basis, taking into account—

"(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

"(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) New Project or Program.—The Director shall consider each application for assistance under this part for a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

"(d) Renewal of Assistance.—With respect to any consideration that relates to the duration of assistance under this part and that is applied by the Director in the case of a request for a renewal of assistance under this part, the Director may not apply any such consideration against any entity that is—

"(1) functioning as an intermediary between the Director and organizations requesting such renewal and ultimately receiving such assistance; and

"(2) utilized by such organizations—

"(A) to prepare and submit applications for such assistance to the Director; and

"(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) Eligibility.—All eligible public and private nonprofit organizations shall be able to apply for assistance under this part.

"(f) Notice.—The Director shall ensure that the language of each of subsections (a) through (e) is included verbatim in—

"(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

"(2) any regulation or guideline issued for the program established under this part.".

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in the first sentence of section 111(a) (42 U.S.C. 4971(a)), by inserting "and community service" after "service-learning" both places it appears; and

(3) in section 114 (42 U.S.C. 4974)—

(A) by amending the heading to read as follows:

"STUDENT COMMUNITY SERVICE PROGRAMS";

and

(B) in the first sentence of subsection (a), by inserting "and community service" after "service-learning".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

(a) LIMITATION ON GRANTS AND CONTRACTS.—Section 122(d) (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) After the date of enactment of the Domestic Volunteer Service Act Amendments of 1989, no grant or contract under this part may exceed $250,000.".

(b) PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN STATE OFFICES.—Section 122 (42 U.S.C. 4992) is amended by adding at the end the following new subsection:

"(e) None of the amounts made available under section 501(c) for fiscal year 1990 or subsequent fiscal years may be expended for the purpose of establishing or operating any State office with respect to volunteerism.".

SEC. 302. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended—

(1) by amending the section heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (a), by striking "public service announcements,";

(3) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(4) by adding at the end the following new subsections:

Grants.
Contracts.
Rural areas.
Community development.

"(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant under this section in excess of $10,000 shall include a description of the methods to be used in evaluating the impact any activities and programs financed through such grant have on the drug abuse problem within the communities where such activities and projects are carried out.".

TITLE IV—ADMINISTRATION AND COORDINATION

SEC. 401. REPORTS.

Section 407 (42 U.S.C. 5047) is amended to read as follows:

"SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

"(1) the annual recruitment plan developed under section 103(c)(4);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

"(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(c);

"(4) a description of the number of individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3) and the manner of involvement of such individuals; and

"(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in subsections (b) and (c) of section 103 during the preceding fiscal year.".

SEC. 402. EVALUATION.

The first sentence of section 416(a) (42 U.S.C. 5056(a)) is amended by inserting after "this Act" the following: "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)".

SEC. 403. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by the Director of the Office of Management and Budget in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and".

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 501. PURPOSES.

Title II (42 U.S.C. 5001 et seq.) is amended by inserting after the heading for such title the following new section:

"STATEMENT OF PURPOSES

"SEC. 200. It is the purpose of— 42 USC 5000.

"(1) this title to provide for Older American Volunteer Programs, comprised of the retired senior volunteer program, the foster grandparent program, and the senior companion program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

"(2) part A, the retired senior volunteer program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

"(3) part B, the foster grandparent program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

"(4) part C, the senior companion program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.".

SEC. 502. PROGRAMS OF NATIONAL SIGNIFICANCE.

(a) AUTHORITY TO MAKE GRANTS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 225. (a)(1) With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall 42 USC 5025.

make grants under the programs authorized in parts A, B, and C to support programs that address national problems of local concern.

"(2) Except as provided in paragraph (3), the Director may make such grants—

"(A) under the program authorized in part A, to support programs that address the national problems specified in subsection (b);

"(B) under the program authorized in part B, to support programs that address the national problems specified in subsection (b), other than paragraph (10) of such subsection; and

"(C) under the program authorized in part C, to support programs that address the national problems referred to in paragraphs (1), (2), (5), (6), and (10) of subsection (b).

"(3) Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to the program under part A, B, or C under which the program supported by such grant is to be carried out.

"(b) The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern the Nation:

Diseases.
AIDS.
Drugs and drug abuse.

"(1) Programs that assist individuals with chronic and debilitating illnesses, such as acquired immune deficiency syndrome.

"(2) Programs designed to decrease drug and alcohol abuse.

"(3) Programs that work with teenage parents.

"(4) Programs that match volunteer mentors with youth who need guidance.

Education.

"(5) Programs that provide adult and school-based literacy assistance.

Handicapped persons.

"(6) Programs that provide respite care, including care for frail elderly individuals and for disabled or chronically ill children living at home.

"(7) Programs that provide before- and after-school activities that are sponsored by organizations, such as libraries, that serve children of working parents.

Children and youth.

"(8) Programs that work with boarder babies.

"(9) Programs that serve children who are enrolled in child care programs, giving priority to such programs that serve children with special needs.

"(10) Programs that provide care to developmentally disabled adults who reside at home and in community-based settings, including programs that, when appropriate, involve older developmentally disabled individuals as volunteers under this title.

Disadvantaged persons.

"(11) Programs that provide volunteer tutors to assist educationally disadvantaged children, on a one-to-one basis, to improve the basic skills of such children.

"(c)(1) In order for an applicant to be eligible to receive a grant under subsection (a), such applicant shall demonstrate to the Director that such grant will be used to increase the total number of volunteers supported by such applicant under this title.

"(2) Funds made available under subsection (d) shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C (without regard to this section) addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this section.

"(d)(1) Except as provided in paragraph (2), in each fiscal year there shall be available to the Director to make grants under subsection (a) not more than—

"(A) $6,000,000 from funds appropriated under section 502(a);

"(B) $9,000,000 from funds appropriated under section 502(b); and

"(C) $9,000,000 from funds appropriated under section 502(c).

"(2) No funds shall be available to the Director to make grants under subsection (a) for a fiscal year unless the amounts appropriated under subsections (a), (b), and (c) of section 502 and available for such fiscal year to carry out parts A, B, and C (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C, respectively, in the preceding fiscal year.

Public information.

"(e) The Director shall disseminate information on grants that may be made under subsection (a) to field personnel of the ACTION Agency and to community volunteer organizations that request such information.".

(b) DEFINITION.—Section 421 (42 U.S.C. 5061), as amended by section 403 of this Act, is amended by adding at the end the following new paragraph:

"(7) the term 'boarder baby' means an infant described in section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note).".

SEC. 503. INCREASE IN STIPEND OR ALLOWANCE.

Section 211(d) (42 U.S.C. 5011(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting after "$2.20 per hour" the following: "until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992";

(2) in paragraph (1), by striking "no increase in the stipend or allowance shall be made pursuant" and inserting "such stipend or allowance shall not be increased as a result of an amendment made"; and

(3) in paragraph (2), by striking "$2.20 per hour" and inserting "the minimum hourly rate specified in this sentence".

SEC. 504. VOLUNTEERS SERVING WITHOUT STIPENDS.

Section 211(f) (42 U.S.C. 5011(f)) is amended—

(1) in paragraph (1)(C) by inserting "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur" before the period at the end; and

(2) in paragraph (3)—

(A) by inserting "take into consideration or" after "may not";

(B) in subparagraph (A) by inserting "or recruit" after "accept"; and

(C) by adding at the end of paragraph (3) the following: "The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).".

SEC. 505. PROMOTION OF PROGRAMS.

(a) DUTIES OF DIRECTOR.—Section 221 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS";

(2) by inserting "(a)" after "SEC. 221."; and

(3) by adding at the end the following new subsection:

"(b)(1) In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C and the involvement of older individuals as volunteers in such programs.

"(2) The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(3) From funds appropriated under section 502, the Director shall expend not less than $250,000 in each fiscal year to carry out paragraph (2).".

SEC. 506. ADMINISTRATIVE COSTS.

Part D of title II (42 U.S.C. 5021 et seq.), as amended by section 502(a) of this Act, is amended by adding at the end the following new section:

"ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

42 USC 5026.

"SEC. 226. (a)(1)(A) In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor on the administrative costs of operating the projects for which such assistance will be provided.

"(B) The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

"(2) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

Reports.

"(b)(1) The Director shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) With respect to each of parts A, B, and C, the Director shall include in such report—

"(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent that such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.".

SEC. 507. MULTIYEAR GRANTS OR CONTRACTS.

Title II (42 U.S.C. 5001 et seq.), as amended by sections 502(a) and 506 of this Act, is amended by adding at the end the following new section:

"MULTIYEAR GRANTS OR CONTRACTS

Regulations.
42 USC 5027.

"SEC. 227. (a)(1) Subject to paragraph (2) and the availability of funds, the Director may make a grant or enter into a contract under part A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such part for a period exceeding 1 year shall comply with such regulations as the Director may issue to require such applicant—

"(A) to demonstrate that such applicant is in compliance with such part and with the terms and conditions of such grant or contract; and

"(B) to provide information to update the application submitted to obtain such grant or contract.

"(2) If the amount appropriated for any fiscal year to carry out part A, B, or C in a period during which multiyear grants or contracts are in effect under such part is less than the amount appropriated to carry out such part in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

"(b) The Director shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.

"(c) If an applicant does not receive a multiyear grant or contract under this section, the Director shall consider such applicant for a single-year grant or contract.

"(d) If the Director approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Director shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

"(1) the overall level of funding for such project;

"(2) any adjustments to Federal financial assistance that may be available under section 226; and

"(3) the renewal of funding on the expiration of the term of such contract or grant.".

TITLE VI—LITERACY

SEC. 601. VISTA LITERACY CORPS.

Section 109 (42 U.S.C. 4959) is amended—

Records.

(1) in subsection (g)(1), by adding at the end the following new sentence: "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement."; and

(2) by adding at the end the following new subsection:

"(h)(1) Subject to paragraphs (2) and (3), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

"(2) To the extent practicable and without undue delay, the Director shall ensure that a volunteer under this section is assigned to the vacancy created within the relevant literacy project or program established under this section.

"(3) Nothing in this subsection shall diminish or otherwise affect the requirement in subsection (g)(1) that funds made available for this section shall be used to supplement and not to supplant the 1986 level of literacy services provided under part A.".

SEC. 602. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 (42 U.S.C. 4993) is amended—

(1) by adding "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

Grants.
Contracts.

"(b)(1) The Director shall provide assistance for identification, development, and dissemination of effective literacy materials and programs by grant or contract to public and private nonprofit organizations whose principal purpose is combatting of illiteracy and its associated problems.

"(2) The Director shall consult with and annually submit summaries of exemplary projects based on project reports to the national clearinghouse on literacy education, as designated under section 372(d)(2) of the Adult Education Act (20 U.S.C. 1211a(d)(2)).

"(3) The emphasis for the grants or contracts under paragraph (1) shall be—

"(A) broadly disseminating information relating to training and technical assistance for the use of volunteers in projects or programs providing literary services in poor urban and rural areas, including English language literacy services for individuals with limited English proficiency; or

"(B) developing new and innovative solutions to illiteracy problems that involve the more effective and extensive use of volunteers in such projects or programs.".

SEC. 603. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended by adding at the end the following new subsection:

Grants.
Contracts.

"(c) The Director may provide technical assistance, by grant or contract, to employers who have established or desire to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs. The Director shall coordinate any activities assisted under this subsection with the Department of Education Workplace Literacy programs established under part C of the Adult Education Act (20 U.S.C. 1201 et seq.).".

TITLE VII—GENERAL PROVISIONS

SEC. 701. ASSIGNMENT OF VOLUNTEERS TO HEALTH CARE PROBLEMS.

Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and".

SEC. 702. OATH OR AFFIRMATION.

The first sentence of section 104(c) (42 U.S.C. 4954(c)) is amended by striking "in section 5(j)" and all that follows through "except" and inserting "for persons appointed to any office of honor or profit by section 3331 of title 5, United States Code, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except".

SEC. 703. LIMITATION ON FUNDS APPROPRIATED FOR GRANTS AND CONTRACTS.

Section 108(a) (42 U.S.C. 4958(a)) is amended by striking "16 per centum" and inserting "30 percent".

SEC. 704. ADMINISTRATIVE ORGANIZATION.

Section 401 (42 U.S.C. 5041) is amended by adding at the end the following: "There shall also be in such agency three individuals who shall report directly to the Assistant Director who is primarily responsible for the Older American Volunteer Programs under title II of this Act. Each of such individuals shall be primarily responsible for part A, B, or C of such title.".

SEC. 705. AMENDMENTS RELATING TO DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) General Authority.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) in the first sentence, by striking "provide for the self-sufficiency of the Nation's poor" and inserting "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor"; and

(2) in the second sentence—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.". Grants.

(b) Limitations.—

(1) Subsequent grants.—Section 408(b)(1) of such Act is amended— 42 USC 9910b.

(A) by striking "Grants" and inserting "(A) Subject to subparagraph (B), grants";

(B) by striking "new" both places it appears; and

(C) by adding at the end the following new subparagraph:

"(B) After the first fiscal year for which an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program.".

42 USC 9910b.

(2) AMOUNT AND NUMBER OF GRANTS.—Section 408(b)(3) of such Act is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking "$250,000" and inserting "$350,000"; and

(C) by adding at the end the following new sentence: "Not more than 2 grants may be made under this section to an eligible entity to carry out a particular program.".

(c) DISSEMINATION OF RESULTS.—Subsection (c) of section 408 of such Act is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year in which a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and a summary of the evaluation of such program received under subsection (a)(1)(D) so as to provide a model of innovative programs for other eligible entities.".

(d) DEFINITION.—Section 408(d)(1) of such Act is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farm workers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year for which such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of such Act is amended—

(1) by striking "is" and inserting "are"; and

(2) by inserting after "1989," the following: "and $7,000,000 for fiscal year 1990,".

(f) REPORT TO CONGRESS.—Section 408 of such Act (as amended by subsections (d) and (e) of this section) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) REPLICATION OF PROGRAMS.—(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical needs or problems of the poor that exist in a number of communities.

Grants.

"(2) Not less than 10 percent, and not more than 25 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate in additional geographic areas programs identified under paragraph (1).

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) a description of—

"(A) programs for which grants under this section in the then most recently completed fiscal year; and

"(B) the evaluations received under subsection (a)(1)(D) in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location where such program was carried out.".

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

SEC. 801. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) VOLUNTEERS IN SERVICE TO AMERICA.—Section 501(a)(1) (42 U.S.C. 5081(a)(1)) is amended—

(1) by striking "and" after "1988,"; and

(2) by inserting before the period at the end the following: ", $30,600,000 for fiscal year 1990, $39,900,000 for fiscal year 1991, $47,800,000 for fiscal year 1992, and $56,000,000 for fiscal year 1993";

(b) VISTA LITERACY CORPS.—Section 501(a) (42 U.S.C. 5081(a)) is amended—

(1) in paragraph (2)—

(A) by striking "and" after "1988,"; and

(B) by inserting before the period at the end the following: ", $6,050,000 for fiscal year 1990, $7,500,000 for fiscal year 1991, $9,000,000 for fiscal year 1992, and $10,500,000 for fiscal year 1993"; and

(2) in paragraph (3), by striking "1987, 1988, and 1989" and inserting "1987 through 1993".

(c) SERVICE-LEARNING PROGRAMS.—Section 501(b) (42 U.S.C. 5081(b)) is amended by inserting before the period at the end the following: ", $1,900,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, $2,100,000 for fiscal year 1992, and $2,200,000 for fiscal year 1993";

(d) SPECIAL VOLUNTEER PROGRAMS.—Section 501(c) (42 U.S.C. 5081(c)) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", $1,100,000 for fiscal year 1990, $1,150,000 for fiscal year 1991, $1,200,000 for fiscal year 1992, and $1,275,000 for fiscal year 1993"; and

(2) in the third sentence—

(A) by striking "and" after "1989,"; and

(B) by inserting before the period the following: ", $5,250,000 for fiscal year 1992, and $5,500,000 for fiscal year 1993".

(e) YEARS OF VOLUNTEER SERVICE.—Section 501(d)(1) (42 U.S.C. 5081(d)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) 2800 years of volunteer service in fiscal year 1990;

"(E) 3000 years of volunteer service in fiscal year 1991;

"(F) 3200 years of volunteer service in fiscal year 1992; and

"(G) 3400 years of volunteer service in fiscal year 1993.".

SEC. 802. PRIORITY.

Section 501(d) (42 U.S.C. 5081(d)) is amended by adding at the end the following new paragraph:

"(4)(A) In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1990 through 1993.

"(C) If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.".

SEC. 803. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsection:

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 20 percent of the total amount appropriated under sections 501 and 502.".

SEC. 804. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) (42 U.S.C. 5082(a)) is amended—

(1) by inserting after "appropriated" the following: "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$31,100,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $39,900,000 for fiscal year 1990, $43,900,000 for fiscal year 1991, $48,300,000 for fiscal year 1992, and $53,100,000 for fiscal year 1993,".

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) (42 U.S.C. 5082(b)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$58,700,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $70,800,000 for fiscal year 1990, $80,900,000 for fiscal year 1991, $91,700,000 for fiscal year 1992, and $98,200,000 for fiscal year 1993,".

(c) SENIOR COMPANION PROGRAM.—Section 502(c) (42 U.S.C. 5082(c)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$28,600,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $36,600,000 for fiscal year 1990, $39,000,000 for fiscal year 1991, $44,700,000 for fiscal year 1992, and $48,700,000 for fiscal year 1993,".

TITLE IX—TECHNICAL AMENDMENTS

SEC. 901. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in the first section (42 U.S.C. prec. 4951) is amended—

(1) by striking the item relating to section 103 and inserting the following new item:

"Sec. 103. Selection and assignment of volunteers.";

(2) by inserting after the item relating to section 109 the following new item:

"Sec. 110. Applications for assistance by previous recipients.";

(3) by striking the item relating to the heading for part B of title I and inserting the following new item:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(4) by striking the item relating to section 114 and inserting the following new item:

"Sec. 114. Student community service programs.";

(5) by striking the item relating to section 124 and inserting the following new item:

"Sec. 124. Drug abuse education and prevention services and activities.";

(6) by striking the item relating to the heading of title II and inserting the following new item:

"TITLE II—OLDER AMERICAN VOLUNTEER PROGRAMS";

(7) by inserting after the item relating to the heading of title II the following new item:

"Sec. 200. Statement of purposes.";

(8) in the matter relating to the heading of part B of title II by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS";

(9) by striking the item relating to section 221 and inserting the following new item:

"Sec. 221. Promotion of older American volunteer programs.";

(10) by adding at the end of the items relating to part D of title II the following new items:

"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.";

and

(11) by striking the item relating to section 502 and inserting the following new item:

"Sec. 502. Older Americans volunteer programs.".

SEC. 902. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II (42 U.S.C. prec. 5001), by striking "NATIONAL";

(2) in section 201(a) (42 U.S.C. 5001(a)—

(A) by striking "programs" and inserting "projects"; and

(B) by striking "program" each place it appears and inserting "project";

(3) in the heading of part B of title II (42 U.S.C. prec. 5011) by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS";

(4) in section 212(b) (42 U.S.C. 5012(b)), by striking "a community action agency" and all that follows through the period and inserting "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).";

(5) in section 213(c)(1) (42 U.S.C. 5013(c))—

(A) by inserting "after subsection (a)" after "contracts"; and

(B) by inserting "individuals" after "elderly" each place it appears;

(6) in section 224 (42 U.S.C. 5024), by striking "programs" and inserting "projects"; and

(7) in the heading of section 502 (42 U.S.C. 5082) by striking "NATIONAL".

TITLE X—TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 1001. TECHNICAL AMENDMENTS TO THE ANTI-DRUG ABUSE ACT OF 1988.

(a) Drug Education and Prevention Relating to Youth Gangs.—Section 3503(2) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11803(2)) is amended by striking "that it has" and inserting "have".

(b) Program for Runaway and Homeless Youth.—Section 3515 of such Act (42 U.S.C. 11825) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by inserting "stating" after "(B)"; and

(B) in subparagraph (C), by striking "a description of" and inserting "describing"; and

(2) in subsection (c), by striking "Administrator" and inserting "such officer".

(c) Evaluation.—

(1) In general.—Section 3522 of such Act (42 U.S.C. 11842) is amended—

(A) in subsection (a)—

(i) by striking ", acting through the Administrator,"; and

(ii) by striking "(as defined in section 3601(6))"; and

(B) in subsection (b), by striking "Administrator" and inserting "Secretary of Health and Human Services".

(2) ADMINISTRATOR.—Section 3601 of such Act (42 U.S.C. 11851) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (12), respectively.

(d) REPORTS.—Section 7296(b) of such Act (42 U.S.C. 5601 note) is amended—

(1) in paragraph (2) by striking "section 7274(b)(1)" and inserting "section 7253(b)(1)"; and

(2) by amending paragraph (3) to read as follows:

"(3) Notwithstanding the 180-day period provided in—

"(A) section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), as added by section 7255;

"(B) section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), as redesignated by section 7273(e)(2) and amended by section 7274; and

"(C) section 404(a)(5) of the Missing Children's Assistance Act (42 U.S.C. 5773(a)(5)), as amended by section 7285(a)(3);

the reports required by such sections to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.".

(e) CLERICAL AMENDMENTS.—

(1) AUTHORIZED FUNDS.—Section 7265(a)(4) of such Act (102 Stat. 4448) is amended by inserting "after 'fiscal years' " before ", and". 42 USC 5671.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 7280(2) of such Act (102 Stat. 4459) is amended by inserting "after 'fiscal years' " before the comma at the end. 42 USC 5751.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 7289(3) of such Act (102 Stat 4461) is amended by inserting "after 'fiscal years' " before the period at the end. 42 USC 5777.

SEC. 1002. TECHNICAL AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 291(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by striking "is authorized" and inserting "are authorized".

SEC. 1003. TECHNICAL AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended— Reports.

(1) in section 361(a) (42 U.S.C. 5715(a)), by striking "report to the Congress" and inserting "submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate";

(2) in section 361(b) (42 U.S.C. 5715(b)), by striking "The Secretary shall annually report to the Congress" and inserting "Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate"; and

(3) in section 366(a)(1) (42 U.S.C. 5751(a)(1)), by striking "is authorized" and inserting "are authorized".

SEC. 1004. TECHNICAL AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT.

The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(1) in section 401 (42 U.S.C. 5601 note)—

(A) by inserting open quotation marks after "as the"; and

(B) by inserting close quotation marks after "Act";

(2) in section 404 (42 U.S.C. 5773)—

(A) in subsection (a)(5)(C), by striking the comma at the end and inserting a semicolon; and

(B) in subsection (b)(2)(A), by inserting "to" after "(A)"; and

(3) in section 405(a)(9), (42 U.S.C. 5775(a)(9)), by striking "clearinghouse" and inserting "clearinghouses".

Approved December 7, 1989.

LEGISLATIVE HISTORY—H.R. 1312 (S. 1426):

HOUSE REPORTS: No. 101-116 (Comm. on Education and Labor) and No. 101-381 (Comm. of Conference).

SENATE REPORTS: No. 101-122 accompanying S. 1426 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 135 (1989):

July 11, considered and passed House.

Sept. 15, considered and passed Senate, amended, in lieu of S. 1426.

Nov. 19, Senate agreed to conference report.

Nov. 20, House agreed to conference report.

Public Law 101-205
101st Congress

An Act

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that are not in compliance with the Acts to charity and public agencies.

Dec. 7, 1989
[H.R. 2134]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OF CERTAIN MEAT TO CHARITY AND PUBLIC AGENCIES.

Section 403(a) of the Federal Meat Inspection Act (21 U.S.C. 673(a)) is amended—

(1) in the first sentence, by redesignating clauses (1) through (3) as clauses (A) through (C), respectively;

(2) by designating the first through fourth sentences as paragraphs (1) through (4), respectively;

(3) in paragraph (2) (as so designated), by inserting after "entry of the decree," the following: "(A) be distributed in accordance with paragraph (5), or (B)"; and

(4) by adding at the end thereof the following new paragraph:

"(5)(A) An article that is condemned under paragraph (1) may as the court may direct, after entry of the decree, be distributed without charge to nonprofit, private entities or to Federal, State, or local government entities engaged in the distribution of food without charge to individuals, if such article—

"(i) has been inspected under this Act and found to be wholesome and not to be adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination is made at the time of the entry of the decree that such article is wholesome and not so adulterated; and

"(ii) is plainly marked 'Not for Sale' on such article or its container.

"(B) The United States may not be held legally responsible for any article that is distributed under subparagraph (A) to a nonprofit, private entity or to a Federal, State, or local government entity, if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated; and

"(ii) was plainly marked 'Not for Sale' on such article or its container.

"(C) The person from whom such article was seized and condemned may not be held legally responsible for such article, if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated; and

"(ii) was plainly marked 'Not for Sale' on such article or its container.".

SEC. 2. DISTRIBUTION OF CERTAIN POULTRY PRODUCTS TO CHARITY AND PUBLIC AGENCIES.

Section 20(a) of the Poultry Products Inspection Act (21 U.S.C. 467b(a)) is amended—

(1) in the first sentence, by redesignating clauses (1) through (3) as clauses (A) through (C), respectively;

(2) by designating the first through fourth sentences as paragraphs (1) through (4), respectively;

(3) in paragraph (2) (as so designated), by inserting after "entry of the decree," the following: "(A) be distributed in accordance with paragraph (5), or (B)"; and

(4) by adding at the end thereof the following new paragraph:

"(5)(A) An article that is condemned under paragraph (1) may as the court may direct, after entry of the decree, be distributed without charge to nonprofit, private entities or to Federal, State, or local government entities engaged in the distribution of food without charge to individuals, if such article—

"(i) is capable of use as a human food;

"(ii) has been inspected under this Act and found to be wholesome and not to be adulterated within the meaning of paragraphs (1) through (7) of section 4(g) and a determination is made at the time of the entry of the decree that such article is wholesome and not so adulterated; and

"(iii) is plainly marked 'Not for Sale' on such article or its container.

"(B) The United States may not be held legally responsible for any article that is distributed under subparagraph (A) to a nonprofit, private entity or to a Federal, State, or local government entity, if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) of section 4(g) and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated; and

"(ii) was plainly marked 'Not for Sale' on such article or its container.

"(C) The person from whom such article was seized and condemned may not be held legally responsible for such article, if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) of section 4(g) and a determination was made at the time of entry of the decree that such article was wholesome and not so adulterated; and "(ii) was plainly marked 'Not for Sale' on such article or its container.".

Approved December 7, 1989.

LEGISLATIVE HISTORY—H.R. 2134:

HOUSE REPORTS: No. 101-348 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 135 (1989):
    Nov. 13, considered and passed House.
    Nov. 20, considered and passed Senate.

Public Law 101-206
101st Congress

An Act

Dec. 7, 1989
[H.R. 3720]

To amend provisions of the National Consumer Cooperative Bank Act relating to the payment of interest on and the redemption of class A notes issued by the National Consumer Cooperative Bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Consumer Cooperative Bank Amendments of 1989.
12 USC 3001 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Consumer Cooperative Bank Amendments of 1989".

SEC. 2. AMENDMENTS RELATING TO CLASS A NOTES.

Section 104(c) of the National Consumer Cooperative Bank Act (12 U.S.C. 3014(c)) is amended—

(1) by striking out the first 2 sentences and inserting the following: "The holder of class A notes shall be entitled to interest at a rate or rates determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable terms and conditions as of the last day of the month preceding each issuance of such class A notes to the Secretary of the Treasury, except that, until October 1, 1990, interest payments shall not exceed 25 percent of gross revenues for the year, less necessary operating expenses including a reserve for possible losses. From time to time, the Bank may, with the approval of the Secretary of the Treasury and consistent with the terms of this Act, issue replacement class A notes upon terms and conditions to be agreed upon by the Bank and the Secretary, bearing interest as provided in this subsection (c), in substitution for those class A notes previously issued."; and

(2) by adding at the end the following: "All class A notes shall be redeemed by the Bank no later than October 31, 2020.".

Approved December 7, 1989.

LEGISLATIVE HISTORY—H.R. 3720:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 20, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 101-207
101st Congress

An Act

To authorize appropriations for fiscal year 1990 for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service.

Dec. 7, 1989
[S. 1164]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Paragraph (1) of section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) by striking out "1988" in subparagraphs (A) and (B) and inserting in lieu thereof "1990",

(2) by striking out "$15,172,000" in subparagraph (A) and inserting in lieu thereof "$19,651,000", and

(3) by striking out "$69,000" in subparagraph (B)(i) and inserting in lieu thereof "$89,000".

(b) PANELS AND COMMITTEES UNDER CANADA FREE-TRADE AGREEMENT.—Paragraph (1) of section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112, note) is amended by striking out "1989 such sums as may be necessary" and inserting in lieu thereof "1990, $1,492,000".

SEC. 2. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1990", and

(2) by striking out "$35,386,000" and inserting in lieu thereof "$39,943,000".

SEC. 3. UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—Subsection (b) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) by striking out "fiscal year 1989" each place it appears and inserting in lieu thereof "fiscal year 1990",

(2) by striking out "$440,504,000" in paragraph (1) and inserting in lieu thereof "$418,822,000",

(3) by striking out "$615,247,000" in paragraph (2) and inserting in lieu thereof "$656,468,000",

(4) by striking out "$142,262,000" in paragraph (3) and inserting in lieu thereof "$128,128,000", and

(5) by striking out paragraph (4).

(b) APPOINTMENT OF THE COMMISSIONER OF CUSTOMS.—(1) The second sentence of the first section of the Act entitled "An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury", approved March 3, 1927 (44 Stat. 1381, 19 U.S.C. 2071), is amended to read as follows: "The Commissioner of Customs, who shall be appointed by the President by and with the advice and consent of the Senate, shall—

"(1) be at the head of the United States Customs Service;

"(2) carry out the duties and powers prescribed by the Secretary of the Treasury; and

Reports.

"(3) report to the Secretary of the Treasury through such other officials as may be designated by the Secretary.".

19 USC 2071 note.

(2) The individual who is serving as the Commissioner of Customs on the day before the date of the enactment of this Act may continue to serve in such capacity until a Commissioner of Customs, appointed as provided in the amendment made by paragraph (1), takes office.

(c) Foreign Trade Zones at Small Airports.—

(1) Paragraph (2) of section 13031(e) of Public Law 99-272 (19 U.S.C. 58c(e)(2)) is amended—

(A) by striking out "This subsection" and inserting in lieu thereof "(A) This subsection", and

(B) by adding at the end thereof the following new subparagraph:

"(B) Subparagraph (C) of paragraph (6) shall not apply with respect to any foreign trade zone or subzone that is located at, or in the vicinity of, an airport to which section 236 of the Trade and Tariff Act of 1984 applies.".

(2) Section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of this section, customs services provided in connection with, or with respect to, any foreign trade zone or subzone that is located at, or in the vicinity of, any airport described in subsection (a) or designated under subsection (c) shall be considered to be customs services provided at such airport.".

New York.

(d) Northern Border Enhancement Program.—The Commissioner of Customs shall provide the facilities, equipment, and staff at the port of entry at Chateaugay, New York, that are necessary to make the port of entry at Chateaugay, New York, a commercial center under the Northern Border Enhancement Program administered by the Commissioner of Customs.

(e) Disposition of Forfeited Property.—

(1) Subparagraph (B) of section 616(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(1)) is amended to read as follows:

"(B) Transfer any of the property to—

"(i) any other Federal agency;

"(ii) any State or local law enforcement agency that participated directly or indirectly in the seizure or forfeiture of the property; or

"(iii) the Civil Air Patrol.".

(2) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) is amended by adding at the end thereof the following new paragraph:

Drugs and drug abuse.

"(3) Aircraft may be transferred to the Civil Air Patrol under paragraph (1)(B)(iii) in support of air search and rescue and other emergency services and, pursuant to a memorandum of understanding entered into with a Federal agency, illegal drug traffic surveillance. Jet-powered aircraft may not be transferred to the Civil Air Patrol under the authority of paragraph (1)(B)(iii).".

(f) User Fee for Customs Services at Small Seaports and Other Facilities.—

(1) Section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b), as amended by this Act, is further amended—

(A) by inserting ", seaport, or other facility" after "airport" each place it appears in the section other than in paragraphs (1) and (2) of subsection (a),

(B) by inserting ", seaports, and other facilities" after "airports" in subsection (c), and

(C) by inserting "AND OTHER FACILITIES" after "AIRPORTS" in the section heading.

(2) Paragraph (2) of section 13031(e) of Public Law 99-272, as amended by this Act, is further amended by inserting ", seaport, or other facility" after "airport" each place it appears. 19 USC 58c.

Approved December 7, 1989.

LEGISLATIVE HISTORY—S. 1164 (H.R. 2443):

HOUSE REPORTS: No. 101-70 accompanying H.R. 2443 (Comm. on Ways and Means).
SENATE REPORTS: No. 101-48 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Aug. 3, considered and passed Senate.
Nov. 20, considered and passed House, amended.
Nov. 21, Senate concurred in House amendment.

Public Law 101-208
101st Congress

An Act

Dec. 7, 1989
[S. 1877]

To improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT FOR EXPENSES.

Section 803(d) of the James Madison Memorial Fellowship Act (20 U.S.C. 4502(d)) is amended to read as follows:

"(d)(1) Subject to paragraph (2), members of the Board shall serve without pay.

"(2) Members of the Board and the President, Executive Secretary, and other personnel of the Foundation shall be entitled to reimbursement for travel, subsistance, and other necessary expenses incurred in the performance of their duties at rates applicable to judges of the United States under section 456(a) of title 28, United States Code.".

SEC. 2. PRESIDENT AND EXECUTIVE SECRETARY OF FOUNDATION.

Section 813 of the James Madison Memorial Fellowship Act (20 U.S.C. 4512) is amended to read as follows:

"PRESIDENT AND EXECUTIVE SECRETARY OF FOUNDATION

"SEC. 813. (a)(1) The Board may appoint a President of the Foundation to serve full-time or part-time and for such a term as the Board shall determine.

"(2) The President shall carry out such of the functions and duties of the Foundation as the Board may determine, subject to the supervision and direction of the Board.

"(3) The President shall be compensated at a rate to be determined by the Board without regard to subchapter III of chapter 53 of title 5, United States Code, not to exceed the rate for level III of the Executive Schedule under section 5314 of that title.

"(4) Sections 5532, 8344, and 8468 of title 5, United States Code, shall not apply to a person while such person is serving as President of the Foundation. The first sentence of this paragraph shall not, in the case of any individual, apply longer than December 31, 1990.

(b)(1) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board.

"(2) The Executive Secretary shall be the chief operating officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board or the President, as determined by the Board.

"(3) The Executive Secretary shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code.".

SEC. 3. ADMINISTRATIVE PROVISIONS.

Section 814 of the James Madison Memorial Fellowship Act (20 U.S.C. 4513) is amended—

(1) in subsection (a) by—

(A) amending paragraph (1) to read as follows:

"(1) to appoint and fix the compensation of such personnel as may be necessary to carry out this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at General Schedule pay rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title;";

(B) amending paragraph (8) to read as follows:

"(8) to rent office space in the District of Columbia or its environs;";

(C) striking "and" at the end of paragraph (9);

(D) striking "(10)" and inserting "(11)"; and

(E) inserting immediately following paragraph (9) the following new paragraph:

"(10) to expend not more than 5 percent of its annual operating budget to pay the costs of fundraising activities, including public and private gatherings; and"; and

(2) by adding at the end thereof the following new subsection:

"(c) On request of the Chairman of the Foundation, the head of a Federal agency may detail personnel of the agency to the Foundation to assist the Foundation in carrying out this Act. Details under this subsection shall be without reimbursement by the Foundation to the agency from which personnel are detailed.".

Approved December 7, 1989.

LEGISLATIVE HISTORY—S. 1877:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 16, considered and passed Senate.
Nov. 21, considered and passed House, amended. Senate concurred in House amendment.

Public Law 101-209
101st Congress

Joint Resolution

Dec. 7, 1989
[S.J. Res. 164]

Designating 1990 as the "International Year of Bible Reading".

Whereas the Bible has made a unique contribution in shaping the United States as a distinctive and blessed Nation and people;

Whereas deeply held values springing from the Bible led to the early settlement of our Nation;

Whereas many of our great national leaders, such as Presidents Washington, Jackson, Lincoln, and Wilson, paid tribute to the important influence the Bible has had in the development of our Nation;

Whereas President Jackson called the Bible "the rock on which our Republic rests";

Whereas the history of our Nation illustrates the value of voluntarily applying the teachings of the Bible in the lives of individuals and of families; and

Whereas numerous individuals and organizations around the world are joining hands to encourage international Bible reading in 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1990 is designated as the "International Year of Bible Reading". The President is authorized and requested to issue a proclamation recognizing both the formative influence the Bible has had on many societies of the world and the value of the study of the Bible.

Approved December 7, 1989.

LEGISLATIVE HISTORY—S.J. Res. 164:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 20, considered and passed Senate.
Nov. 20, considered and passed House, amended. Senate concurred in House amendments.

Public Law 101-210
101st Congress

Joint Resolution

Providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

Dec. 7, 1989
[S.J. Res. 203]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Murray Gell-Mann of California on September 13, 1988, is filled by the appointment of Homer Alfred Neal of Michigan. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

Approved December 7, 1989.

LEGISLATIVE HISTORY—S.J. Res. 203:

SENATE REPORTS: No. 101-149 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 135 (1989):
    Oct. 2, considered and passed Senate.
    Nov. 17, considered and passed House, amended.
    Nov. 19, Senate concurred in House amendments.

Public Law 101-211
101st Congress

Joint Resolution

Dec. 7, 1989
[S.J. Res. 202]

Providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the death of Carlisle H. Humelsine of Virginia on January 26, 1989, is filled by the appointment of Robert James Woolsey, Jr. of Maryland. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

Approved December 7, 1989.

LEGISLATIVE HISTORY—S.J. Res. 202:

SENATE REPORTS: No. 101-148 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 2, considered and passed Senate.
Nov. 17, considered and passed House, amended.
Nov. 19, Senate concurred in House amendments.

Public Law 101-212
101st Congress

Joint Resolution

To designate the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week".

Dec. 11, 1989
[H.J. Res. 429]

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately 47,000 in 1988;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas 37.5 percent of all drivers fatally injured in 1988 had blood alcohol concentrations above the legal limit of .10;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past 75 years except for Americans 15 to 24 years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was 20 years ago;

Whereas the total societal cost of drunk driving has been estimated at more than $26,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs, either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as 10,000 lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last 7 years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter; and

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 10, 1989, through December 16, 1989, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.J. Res. 429:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 21, considered and passed House and Senate.

Public Law 101-213
101st Congress

An Act

To amend the Department of Transportation Act to reauthorize local rail service assistance.

Dec. 11, 1989
[H.R. 422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Local Rail Service Reauthorizing Act.
49 USC app. 1651 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Rail Service Reauthorizing Act".

SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE.

(a) Authorization of Appropriations.—Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended—

(1) by striking "and not to exceed $8,000,000 for the fiscal year ending September 30, 1988" and inserting in lieu thereof "not to exceed $8,000,000 for the fiscal year ending September 30, 1988, not to exceed $10,000,000 for the fiscal year ending September 30, 1989, and not to exceed $15,000,000 for the fiscal year ending September 30, 1990"; and

(2) by striking "after September 30, 1988" and inserting in lieu thereof "after September 30, 1990".

(b) Fiscal Year 1990 Funds.—(1) With respect to funds appropriated for carrying out section 5(i) of the Department of Transportation Act for fiscal year 1990, each State must apply for such funds within 60 days after the date of enactment of legislation authorizing appropriations for that fiscal year. Upon receipt of an application under such subsection, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 60 days. Funds provided under this subsection shall remain available to a State for obligation for the first 3 months after the end of the fiscal year for which such funds have been made available. Any funds which have not been timely applied for under this subsection, or which have remained unobligated after the expiration of the period described in the previous sentence, shall be made available to the Secretary for rail freight assistance projects meeting the requirements of this section.

Reports.

(2) With respect to funds appropriated for carrying out section 5(h) of the Department of Transportation Act for fiscal year 1990, the Secretary shall establish such procedures as are necessary to ensure that funds available to the Secretary for use for rail service assistance projects are distributed by April 1, 1990. If any funds are not distributed by that date, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of such funds and the reasons for the delay in distribution.

45 USC 1321.

(3) Section 4021(a)(2) of Public Law 99-509 is repealed.

(c) LOCAL RAIL FREIGHT ASSISTANCE PROGRAM.—Section 5 of the Department of Transportation Act (49 U.S.C. App. 1654) is amended to read as follows:

"LOCAL RAIL FREIGHT ASSISTANCE

"SEC. 5. (a) A State is eligible to receive rail freight assistance under this section if—

"(1) such State has established an adequate plan for rail services in such State, including a suitable process for updating, revising, and amending such plan;

"(2) such State plan is administered or coordinated by a designated State agency and provides for the equitable distribution of resources;

"(3) such State agency—

"(A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services;

"(B) employs or will employ, directly or indirectly, sufficient trained and qualified personnel;

"(C) maintains or will maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation; and

"(D) is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve rail transportation safety and to reduce transportation-related energy utilization and pollution;

"(4) such State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

"(5) such State complies with regulations of the Secretary issued under this section and the Secretary determines that such State meets or exceeds the requirements of paragraphs (1) through (4) of this subsection.

"(b) The Secretary shall, in accordance with this section, provide financial assistance to States for rail freight assistance projects that are designed to cover—

"(1) the cost of acquiring, by purchase, lease, or in such other manner as the State considers appropriate, a line of railroad or other rail properties, or any interest therein, to maintain existing or provide for future rail freight service, but only if the Interstate Commerce Commission has authorized, or has exempted from the requirements of such authorization, the abandonment of, or the discontinuance of rail service on, the line of railroad related to the project;

"(2) the cost of rehabilitating or improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line, but only if the line of railroad related to the project is certified by the railroad as having carried 5 million gross ton miles of freight or less per mile during the prior year; and

"(3) the cost of constructing rail or rail related facilities (including new connections between two or more existing lines of railroad, intermodal freight terminals, sidings, bridges, and relocation of existing lines) for the purpose of improving the quality and efficiency of rail freight service, but only if the line of railroad related to the project is certified by the railroad as having carried 5 million gross ton miles of freight or less per mile during the prior year.

"(c)(1) No project shall be provided rail freight assistance under this section unless the line of railroad related to the project is certified by the railroad as having carried more than 20 carloads per mile during the most recent year of operation of service on such line. In a case where the railroad is no longer in existence, the applicant shall provide such information in the manner prescribed by the Secretary. The Secretary may waive the requirement of this paragraph upon a determination that the line of railroad is contractually guaranteed at least 40 carloads per mile for each of the first 2 years of operation if the proposed project is carried out, and the Secretary finds that there is a reasonable expectation that such contractual guarantee will be fulfilled.

"(2) No project shall be provided rail freight assistance under this section unless the ratio of benefits to costs for such project, calculated in accordance with the methodology established by the Secretary under subsection (n), is greater than 1.0.

"(d) A State shall use assistance provided under subsection (b) of this section as follows:

"(1) The State may grant or loan funds to the owner of rail properties or operator of rail service related to the project.

Grants.
Loans.

"(2) The State shall determine all financial terms and conditions of a grant or loan, except that the timing of all advances with respect to grants under this subsection shall be in accordance with Department of Treasury regulations.

Loans.
Grants.

"(3) The State shall place the Federal share of repaid funds in an interest-bearing account or, with the approval of the Secretary, permit any borrower to place such funds, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with section 10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use such funds and all accumulated interest to make further loans or grants under subsection (b) of this section in the same manner and under the same conditions as if they were originally granted to the State by the Secretary. The State may, at any time, pay to the Secretary the Federal share of any unused funds and accumulated interest. After the termination of a State's participation in the rail freight assistance program established by this section, such State shall pay the Federal share of any unused funds and accumulated interest to the Secretary.

"(4) The State, to the maximum extent possible, shall encourage the participation of shippers, railroads, and local communities in providing the State share of rail freight assistance funds.

"(e) The Federal share of the costs of any rail freight assistance project shall be 50 percent, except that in the case of assistance provided under subsection (b)(2), the Federal share shall be 70 percent. The State share of the costs may be provided in cash or through any of the following benefits, to the extent that such benefits would not otherwise be provided:

Taxes.

"(1) Forgiveness of taxes imposed on a railroad or on its properties.

Real property.

"(2) The provision by the State or by any person on behalf of such State, for use in its rail freight assistance program, of real property or tangible personal property of the kind necessary for the safe and efficient operation of rail freight service.

"(3) Trackage rights secured by the State for a railroad.

"(4) The cash equivalent of State salaries for State public employees working in the State rail freight assistance program, but not including overhead and general administrative costs.

A State may provide more than its required percentage share of the cost of its rail freight assistance program. If a State, or any person on behalf of a State, provides more than such State's percentage share of the cost of its rail freight assistance program during any fiscal year, the amount in excess of such share shall be applied toward such State's share of the costs of its program for subsequent fiscal years.

"(f) A State seeking financial assistance for rail freight assistance projects described in subsection (b) shall apply, in the form required by the Secretary, for such assistance by January 1 of the fiscal year for which the funds have been appropriated, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 90 days after the date of enactment of legislation authorizing appropriations for that fiscal year. In considering applications for rail freight assistance projects under subsection (b), the Secretary shall consider the following:

"(1) The percentage of lines identified to the Interstate Commerce Commission by rail carriers for abandonment or potential abandonment within a State.

"(2) The likelihood of future abandonments within a State.

"(3) The ratio of benefits to costs for a proposed project calculated in accordance with the methodology established by the Secretary under subsection (n).

"(4) The likelihood that the line will continue operating with rail freight assistance.

"(5) The impact of rail bankruptcies, rail restructuring, and rail mergers on the State applying for assistance.

"(g) On the first day of the fiscal year, each State shall be entitled to $36,000 of the funds available for expenditure pursuant to subsection (q) of this section during the fiscal year to meet the cost of establishing, implementing, revising, and updating the State rail plan required by subsection (a) of this section, or to carry out projects described in subsection (b) (1), (2), or (3), as designated by the State, if such projects meet the requirements of subsection (c)(2). Each State must apply for such funds on or before the first day of the fiscal year, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 60 days after the date of enactment of legislation authorizing appropriations for that fiscal year. Upon receipt of an application under this subsection, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 60 days. Funds provided under this subsection shall remain available to a State for obligation for the first 3 months after the end of the fiscal year for which such funds have been made available. Any funds which have not been timely applied for under this subsection, or which have remained unobligated after the expiration of the period described in the previous sentence, shall be made available to the Secretary for rail freight assistance projects meeting the requirements of this section.

"(h) The Secretary shall establish such procedures as are necessary to ensure that funds available to the Secretary for use for rail freight assistance projects under subsection (b) are distributed by April 1 of the fiscal year for which such funds are appropriated. If any funds are not distributed by that date, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of such funds and the reasons for the delay in distribution.

Reports.

"(i) Each State shall retain a contingent interest (redeemable preference shares) for the Federal share of funds in any line receiving rail freight assistance under this section and may exercise the right to collect its share of the funds used for a such a line, if an application for abandonment of such line is filed under chapter 109 of title 49, United States Code, or if such line is abandoned, discontinued, sold, or disposed of in any way after it has received Federal assistance.

"(j) Two or more States which are eligible to receive rail freight assistance under this section may, where not in violation of State law, enter into an agreement to combine any portion of such assistance for purposes of conducting any project which is eligible for assistance under this section and which will benefit each State which is a party to such agreement.

Records.

"(k)(1) Each recipient of funds provided under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of such funds, the total cost of the project or undertaking in connection with which such funds were provided or used, the amount of that portion of the cost of the project which was supplied by other sources, and such other records as will facilitate an effective audit. Such records shall be maintained for 3 years after the completion of such a project or undertaking.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to the grants, contracts, or other arrangements referred to in paragraph (1) of this subsection.

"(3) The Secretary and the Comptroller General shall regularly conduct, or cause to be conducted—

"(A) a financial audit, in accordance with generally accepted auditing standards; and

"(B) a performance audit of the activities and transactions assisted under this section, in accordance with generally accepted management principles.

Such audits may be conducted by independent certified or licensed public accountants and management consultants approved by the Secretary and the Comptroller General, and they shall be conducted in accordance with such rules and regulations as may be prescribed by the Comptroller General.

"(l) The Interstate Commerce Commission shall provide the Secretary with such information as the Secretary requests to assist in administering the program authorized by this section. The Commission shall provide the requested information within 30 days after receipt of any such request.

"(m) On or before August 1 of each year, each rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of title 49, United States Code, shall prepare, update, and submit to the Secretary a listing of those rail lines of such carrier which, based on level of usage, carried 5 million gross ton miles of freight or less per mile during the prior year.

"(n) The Secretary, no later than July 1, 1990, shall establish a methodology for calculating the ratio of benefits to costs of projects proposed under subsection (b), taking into consideration the need for equitable treatment of different regions of the United States and different commodities transported by rail. The establishment of such methodology shall be a matter committed to the Secretary's discretion.

"(o) No more than 15 percent of the funds provided under subsection (b) in any fiscal year shall be provided to any one State. No more than 20 percent of the funds provided under subsection (b) in any fiscal year shall be provided for any one project.

"(p) As used in this section, the term 'State' means any State in which a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of title 49, United States Code, maintains any line of railroad.

Appropriation authorization.

"(q) There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed $15,000,000 for fiscal year 1991. Such sums as are appropriated are authorized to remain available until expended. No funds are authorized to be appropriated under this subsection for any period after September 30, 1991.".

49 USC app. 1654 note.

(d) Effective Date.—The amendment made by subsection (c) shall take effect October 1, 1990.

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.R. 422:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 17, considered and passed House.
Nov. 19, considered and passed Senate.

Public Law 101-214
101st Congress

An Act

To expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia.

Dec. 11, 1989
[H.R. 875]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989".

Public lands.
16 USC 425k note.

SEC. 2. REVISION OF PARK BOUNDARIES.

16 USC 425k.

(a) Boundary Revision.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia", approved February 14, 1927 (44 Stat. 1091), the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotslyvania National Military Park", numbered 326-40075D/89, 326-40074E/89, 326-40069B/89, 326-40070D/89 326-40071C/89, 326-40072E/89, 326-40076A/89, and 326-40073D/89, and dated June 1989. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

Public information.

(b) Excluded Lands.—Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) as "Existing Park Boundary" but outside of the boundary depicted as "Proposed Park Boundary" are hereby excluded from the park, in accordance with the provisions of subsection 3(b). The Secretary of the Interior (hereinafter referred to as the "Secretary") may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the park by this section by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide.

SEC. 3. ACQUISITIONS AND CONVEYANCES.

16 USC 425*l*.

Gifts and property.
Real property.

(a) Acquisition.—The Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(b) Conveyance of Lands Excluded From Park.—(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to subsection 2(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date of enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

Historic preservation.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(c) ALTERNATIVE ACCESS.—In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in this Act shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

Gifts and property.
Historic preservation.

(d) CONSERVATION EASEMENTS.—The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.

(e) OTHER PROVISIONS.—Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 4) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the park.

16 USC 425m.
Real property.

SEC. 4. RETAINED RIGHTS.

(a) RETENTION OF USE AND OCCUPANCY.—With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to this Act may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed twenty-five years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the right retained by the owner.

(b) TERMS AND CONDITIONS.—Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) DEFINITION.—As used in this section, the term "improved property" means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

SEC. 5. INTERPRETATION.

16 USC 425n.

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

16 USC 425o.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.R. 875:

HOUSE REPORTS: No. 101-144 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-220 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  July 17, considered and passed House.
  Nov. 21, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 101-215
101st Congress

An Act

Dec. 11, 1989
[H.R. 3696]

To provide survival assistance to victims of civil strife in Central America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURVIVAL ASSISTANCE.

Health and medical care.

(a) AUTHORIZATION.—The Agency for International Development shall use unobligated funds made available pursuant to section 8(a) of Public Law 100-276 to provide medical care and other relief for noncombatant victims of civil strife in Central America. Such assistance shall be used to make available prosthetic devices and rehabilitation, provide medicines and immunizations, assist burn victims, help orphans, and otherwise provide assistance for noncombatants who have been physically injured or displaced by civil strife in Central America. Priority shall be given to those with the greatest needs for assistance.

Voluntarism.

(b) USE OF PVO'S AND INTERNATIONAL RELIEF ORGANIZATIONS.—Assistance pursuant to this section shall be provided only through nonpolitical private and voluntary organizations and international relief organizations. Preference in the distribution of such assistance shall be given to organizations presently providing similar services such as Catholic Relief Services, the International Committee of the Red Cross, CARE, the United Nations Children's Fund, the United Nations High Commissioner for Refugees, Partners of the Americas, and the Pan American Health Organization.

Voluntarism.

(c) ASSISTANCE IN NICARAGUA.—Not more than one-half of the assistance provided under this section may be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua. None of the assistance pursuant to this section may be provided to or through the Government of Nicaragua.

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.R. 3696:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 20, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 101-216
101st Congress

An Act

To amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes.

Dec. 11, 1989
[H.R. 1495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arms Control and Disarmament Amendments Act of 1989.
22 USC 2251 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1989".

TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1988.

22 USC 2589.

Section 49(a) of the Arms Control and Disarmament Act is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(A) $36,000,000 for the fiscal year 1990 and $37,316,000 for the fiscal year 1991; and

"(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.".

SEC. 102. DUTIES OF THE DEPUTY DIRECTOR.

Section 23 of the Arms Control and Disarmament Act (22 U.S.C. 2563) is amended in the second sentence to read as follows: "The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe.".

SEC. 103. DUTIES OF THE SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended by striking out "who shall perform" and all that follows through the period and inserting in lieu thereof the following: ", one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.".

22 USC 2567 note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act.

Reports.
22 USC 2565 note.

SEC. 104. ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION.

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

(1) managing the implementation of existing and future arms control agreements;

(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.

SEC. 105. ARMS CONTROL VERIFICATION.

International agreements.
Union of Soviet Socialist Republics.
22 USC 2577a.

(a) Establishment of Working Group.—The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) Information and Data Base.—(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

Reports.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

SEC. 106. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

SEC. 107. REPORTING REQUIREMENT ON PROSPECTS FOR CONVERSION OF UNITED STATES DEFENSE INDUSTRIES.

The Director of the United States Arms Control and Disarmament Agency, in consultation with the Secretary of Defense and the Secretary of Commerce, shall study, and (not later than 180 days after the date of enactment of this Act) submit to the Congress a report, on concrete steps which could be taken to improve prospects for conversion of portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements.

TITLE II—ON-SITE INSPECTION ACTIVITIES

SEC. 201. ON-SITE INSPECTION AGENCY.

The Arms Control and Disarmament Act is amended by adding at the end the following:

"TITLE V—ON-SITE INSPECTION ACTIVITIES

"SEC. 61. FINDINGS.

22 USC 2595.

"The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this Act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

"(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

"(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

"(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

"(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

"SEC. 62. POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS.

22 USC 2595a.

"(a) Interagency Coordination.—OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

"(b) Role of the Secretary of Defense.—The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) and operational direction, consistent with section 113(b) of title 10, United States Code.

"(c) Role of the Director.—The Director should provide to the interagency mechanism described in subsection (a) appropriate recommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

22 USC 2595b.

"SEC. 63. AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION AGENCY.

"There are authorized to be appropriated $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

22 USC 2595c.

"SEC. 64. DEFINITIONS.

"As used in this title—

"(1) the term 'INF Treaty' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty.".

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.R. 1495 (S. 1868):

HOUSE REPORTS: No. 101-72, Pt. 1 (Comm. on Foreign Affairs) and Pt. 2 (Comm. on Armed Services).
SENATE REPORTS: No. 101-195, accompanying S. 1868 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  Sept. 19, considered and rejected in House.
  Oct. 12, considered and passed House.
  Nov. 17, considered and passed Senate, amended.
  Nov. 19, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
  Dec. 11, Presidential statement.

Public Law 101-217
101st Congress

An Act

To clarify the Food Security Act of 1985.

Dec. 11, 1989
[H.R. 3620]

Agriculture and agricultural commodities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT AFFECTING THE 1989 CROPS.

Effective only for the 1989 crops, section 1001(5)(D) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(D)) is amended to read as follows:

> "(D)(i) Except as provided in clause (ii), any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be considered the same person as the landlord unless the tenant makes a significant contribution of equipment used in the farming operation.
>
> (ii) A tenant that because of any act or failure to act would otherwise be considered the same person as the landlord under clause (i) shall not be considered the same person as the landlord if the Secretary has at any time made a determination, for purposes of this section, regarding the number of persons with respect to the tenant's operation on such land for the 1989 crop year and the landlord did not consent to or knowingly participate in such act or failure to act.
>
> (iii) Any tenant that would be considered to be the same person as the landlord but for the operation of clause (ii) shall be eligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land only to the extent that the tenant would be eligible for such payments if the tenant were to be considered the same person as the landlord under the regulations in place immediately prior to the enactment of this subparagraph.".

SEC. 2. AMENDMENT AFFECTING THE 1990 CROPS.

Effective only for the 1990 crops, section 1001(5)(D) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(D)) is amended to read as follows:

> "(D) Any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be ineligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land unless the tenant makes a significant contribution of equipment used in the farming operation.".

7 USC 1308 note.

SEC. 3. EQUITABLE RELIEF.

Nothing in this Act shall be construed in any way to limit the authority of the Secretary of Agriculture to provide equitable relief under any provision of law.

Approved December 11, 1989.

LEGISLATIVE HISTORY—H.R. 3620:

HOUSE REPORTS: No. 101-358 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 135 (1989):
- Nov. 14, considered and passed House.
- Nov. 20, considered and passed Senate, amended.
- Nov. 21, House concurred in Senate amendments.

Public Law 101-218
101st Congress

An Act

To provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

Dec. 11, 1989
[S. 488]

Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989.
Business and industry.
Conservation.
Corporations.
42 USC 12001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

42 USC 12001.

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—The Congress finds that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost competitive use of those technologies without need of Federal financial incentives;

(2) establishing long-term Federal research goals and multiyear funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of joint ventures.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in section 6(c), subject to the conditions set forth in section 6(b).

42 USC 12002.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "invention" means an invention or discovery that is patented or for which a patent may be obtained under title 35, United States Code, or any novel variety of plant that is protected or for which plant variety protection may be obtained under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) and that is conceived or reduced to practice as a result of work under an agreement entered into under this Act;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint venture under the National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.)) for cost-shared research, development, or demonstration of technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) the term "non-Federal person" means an entity located in the United States, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including—

(A) a for-profit business;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; and

(E) a unit of State or local government;

(4) the term "Secretary" means the Secretary of Energy;

(5) the term "small business", with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture; and

(6) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

42 USC 12003.

SEC. 4. NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaics, and solar thermal energy programs being carried out by the Secretary:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and assist private sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue, and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than one cent per kilowatt hour by 1995; and

(iv) increase capacity factors for new wind energy systems to 25 to 35 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies of and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability, and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic conversion efficiencies by 20 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $800 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 10 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources, and to promote the integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses, and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit to the Congress, as part of the first report submitted under section 9, recommendations for specific cost goals and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Hydrogen Energy Systems, Solar Buildings Energy Systems,

Ocean Energy Systems, Geothermal Energy Systems, Low-Head Hydro, and Energy Storage Systems.

Reports.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress, as part of a report submitted under section 9, of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2(b).

(c) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for the following renewable energy research, development, and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Solar Thermal Energy Systems Program, the Biofuels Energy Systems Program, the Hydrogen Energy Systems Program, the Solar Buildings Energy Systems Program, the Ocean Energy Systems Program, and the Geothermal Energy Systems Program—

(1) not to exceed $113,000,000 for fiscal year 1991, of which—

(A) not to exceed $39,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $19,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $4,000,000 shall be available for the Hydrogen Energy Systems Program;

(2) not to exceed $121,000,000 for fiscal year 1992, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $20,500,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $5,000,000 shall be available for the Hydrogen Energy Systems Program; and

(3) not to exceed $124,000,000 for fiscal year 1993, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $23,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $6,000,000 shall be available for the Hydrogen Energy Systems Program.

Each of the President's annual budget requests submitted to Congress after the date of enactment of this Act shall include as separate line items each of the categories of renewable energy programs described in this subsection.

42 USC 12004.

SEC. 5. ENERGY EFFICIENCY AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation, industrial, buildings and community systems, multi-sector, and policy and management—

(1) not to exceed $201,100,000 for fiscal year 1991, of which—

(A) not to exceed $68,300,000 shall be available for the transportation program; and

(B) not to exceed $53,500,000 shall be available for the industrial program;

(2) not to exceed $210,600,000 for fiscal year 1992, of which—

(A) not to exceed $71,000,000 shall be available for the transportation program; and

(B) not to exceed $54,700,000 shall be available for the industrial program; and

(3) not to exceed $225,000,000 for fiscal year 1993, of which—

(A) not to exceed $73,900,000 shall be available for the transportation program; and

(B) not to exceed $56,900,000 shall be available for the industrial program.

SEC. 6. JOINT VENTURES.

42 USC 12005.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) JOINT VENTURES.—

(1) ESTABLISHMENT.—The Secretary shall solicit proposals for joint ventures in each of the technology areas under subsection (c). The Secretary shall select at least one joint venture in each of those technology areas, unless no qualified proposals in that area are received. Each joint venture selected under this section shall include at least one for-profit business. Research and development activities supported under this section shall be performed in the United States. Each joint venture under this section shall require the manufacture and reproduction, substantially within the United States, for commercial sale of any invention that may result from the joint venture.

(2) COST SHARING.—

(A) The Secretary shall require at least 50 percent of the costs directly and specifically related to any joint venture under this section, including cash, personnel, services, equipment, and other resources, to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the costs required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed exclusively of small businesses or of small businesses and nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(3) ADVISORY COMMITTEE.—(A) The Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter in this Act referred to as the "Advisory Committee") to advise the Secretary on the develop-

ment of the solicitation and evaluation criteria for joint ventures, and on otherwise carrying out his responsibilities under this section. The Secretary shall appoint members to the Advisory Committee, including at least one member representing—

(i) the Secretary of Commerce;

(ii) the National Laboratories of the Department of Energy;

(iii) the Solar Energy Research Institute;

(iv) the Electric Power Research Institute;

(v) the Gas Research Institute;

(vi) the National Institute of Building Sciences;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms in the major renewable energy manufacturing industries; and

(ix) associations of firms in the major energy efficiency manufacturing industries.

The Advisory Committee may establish such subcommittees as it considers necessary to carry out this Act.

Public information.

(B) The Advisory Committee, within 120 days after its establishment, shall provide the Secretary with recommendations regarding the structure and selection criteria for a solicitation of proposals for joint ventures. The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program. Recommendations of the Advisory Committee shall be available to the public.

(4) DRAFT SOLICITATION AND PUBLIC COMMENT.—The Secretary shall issue a draft solicitation for joint ventures by September 30, 1990. After such draft solicitation has been issued, the Secretary shall provide for a period of public comment before the issuance of a final solicitation.

(5) PROTECTION OF PROPRIETARY RIGHTS.—Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section shall be subject to section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5104).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion of solar energy so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems Program set forth in section 4(a)(2), as those goals may be amended under section 4(b).

Appropriation authorization.

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b).

Appropriation authorization.

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

Appropriation authorization.

(C) There are authorized to be appropriated to the Secretary not to exceed $2,400,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(4) FACTORY-MADE HOUSING.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture in order to establish regional projects to develop or demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices, and construction materials.

(B) Projects supported pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. Such projects shall—

(i) be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, and marketing;

(ii) develop a detailed characterization of the needs of the home building industry;

(iii) establish a close working relationship with all sectors of the home building industry; and

(iv) be coordinated to pool and conserve resources.

Appropriation authorization.

(C) There are authorized to be appropriated to the Secretary not to exceed $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

Urban areas.

(5) ADVANCED DISTRICT COOLING TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of advanced district cooling technologies that are applicable in cities with high cooling loads, in accordance with the provisions of this paragraph.

State and local governments.

(B) The purpose of joint ventures supported under this paragraph shall be to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select a city or cities for application of advanced district cooling technologies developed by joint ventures supported under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

Appropriation authorization.

(D) There are authorized to be appropriated to the Secretary not to exceed $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(d) Secretarial Discretion.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(3)(B), with respect to a technology described in paragraph (1), (2), (3), (4), or (5) of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(2); or

(B) such joint ventures will substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph, and the Secretary shall notify Congress and provide a written explanation of the reasons for the determination.

(2) Promptly after notifying the Congress under paragraph (1), the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for the selection of a substitute field or technology in which to solicit joint ventures that develop or demonstrate, consistent with this section, an alternative renewable energy or energy efficiency technology so as to accomplish the purpose of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint venture selected under this paragraph.

(3) When 30 calendar days have elapsed after transmittal of a plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures appropriate to that plan as if such joint ventures were required under subsection (c).

(e) Additional Joint Ventures.—(1) The Secretary shall recommend to the Congress three additional joint ventures in the fields of renewable energy or energy efficiency technologies for fiscal year 1993. Each proposed project shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed projects under this subsection, the Secretary shall consider the recommendations of the Advisory Committee, and shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies than might not occur without Federal support under this subsection, and the extent to which such projects will contribute to the competitiveness of United States firms engaged in international trade in renewable energy or energy efficiency technologies.

(3) Joint ventures supported pursuant to a recommendation under this subsection shall be carried out as if they were required under subsection (c).

SEC. 7. RENEWABLE ENERGY EXPORTS.

(a) Dissemination of Information; Access to Foreign Markets.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i), by inserting after "commerce," the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and others,"; and

Health and medical care.
Rural areas.
Communications and telecommunications.

(2) in clause (ii), by striking "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(b) Authorization and Program.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities which produce renewable energy to compete effectively with producers of energy from nonrenewable sources.".

(c) Report, Functions, and Authorizations.—Section 256 of the Energy Policy and Conservation Act (42 U.S.C. 6276) is amended by adding at the end the following new subsections:

"(e) The interagency working group established under subsection (d) shall annually report to Congress, describing the actions of each agency represented by a member of the working group taken during the previous fiscal year to achieve the purposes of such working group and of this section. Such report shall describe the exports of renewable energy technology that have occurred as a result of such agency actions.

"(f)(1) The interagency working group shall—

"(A) establish, in consultation with representatives of affected industries, a plan to increase United States exports of renewable energy technologies, and include in such plan recommended guidelines for agencies that are represented on the working group with respect to the financing of, or other actions they can take within their programs to promote, exports of such renewable energy technologies;

"(B) develop, in consultation with representatives of affected industries, recommended administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

"(C) recommend specific renewable energy technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

"(2) The interagency working group shall include a description of the plan established under paragraph (1)(A) in no later than the second report submitted under subsection (e), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

"(g) For purposes of this section, the term 'renewable energy' includes energy efficiency to the extent it is a part of a renewable energy system or technology.

Appropriation authorization.

"(h) There are authorized to be appropriated to the Secretary for activities of the interagency working group established under subsection (d) not to exceed—

"(1) $3,000,000 for fiscal year 1991;

"(2) $3,300,000 for fiscal year 1992; and
"(3) $3,600,000 for fiscal year 1993.".

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

22 USC 2194.

Grants.
Small business.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

42 USC 12006.

SEC. 9. REPORTS.

(a) REPORT BY THE SECRETARY.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures supported under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan.

(3) In addition to describing the Secretary's intentions for administering this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(4) The plan shall address the role of federally-assisted research, development, and demonstration in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(5) The plan shall accompany the President's annual budget submission to the Congress.

(c) REPORT ON OPTIONS.—As part of the first report submitted under subsection (a), the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

SEC. 10. NO ANTITRUST IMMUNITY OR DEFENSES.

42 USC 12007.

Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

Approved December 11, 1989.

LEGISLATIVE HISTORY—S. 488 (H.R. 1216):

HOUSE REPORTS: No. 101-308, Pt. 1 (Comm. on Science, Space, and Technology) and Pt. 2 (Comm. on Energy and Commerce), both accompanying H.R. 1216.

SENATE REPORTS: No. 101-107 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Sept. 22, considered and passed Senate.

Nov. 17, H.R. 1216 considered and passed House; proceedings vacated and S. 488, amended, passed in lieu. Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Dec. 11, Presidential statement.

Public Law 101-219
101st Congress

Joint Resolution

Dec. 12, 1989
[H.J. Res. 175]

To authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—IMPLEMENTATION OF COMPACT OF FREE ASSOCIATION WITH PALAU

48 USC 1681 note.

SEC. 101. ENTRY INTO FORCE OF COMPACT.

Notwithstanding the provisions of Section 101(d)(1)(B) of Public Law 99-658, entry into force of the Compact of Free Association between the United States and Palau (set forth in title II of Public Law 99-658 and hereafter in this joint resolution referred to as the "Compact") in accordance with subsections (a) and (d) of section 101 of Public Law 99-658 (100 Stat. 3673) is hereby authorized—

(1) subject to the condition that the Compact, as approved by the Congress in Public Law 99-658, is approved by the requisite percentage of the votes cast in a referendum conducted pursuant to the Constitution of Palau, and such approval is free from any legal challenge, and

(2) upon expiration of 30 days, in which either the House of Representatives or the Senate of the United States is in session, after the President notifies the Committees on Interior and Insular Affairs and Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the effective date of the Compact.

48 USC 1681 note.

SEC. 102. FISCAL PROCEDURES ASSISTANCE.

Upon request of the Government of Palau, the Secretary of the Interior shall provide assistance to the Government of Palau to develop and promulgate regulations for the effective expenditure of funds received pursuant to this joint resolution, Public Laws 99-658 and 99-239, or any other Act of Congress.

48 USC 1681 note.

SEC. 103. ANTIDRUG PROGRAM.

(a) PLAN.—The Department of the Interior shall develop, in cooperation with the Government of Palau and the National Drug Control Policy Office, a plan for an antidrug program in Palau. The plan shall be submitted to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1990. The plan shall: (1) identify the specific needs and costs of such an antidrug program; (2) shall identify all existing resources to be allocated for its implementation by the Government of the United States and the Government of Palau; and (3) shall recommend priority use for additional resources, assuming such resources are made available.

President of U.S.

(b) AGREEMENT.—Following completion of the plan, the President and the Government of Palau shall negotiate an agreement to facilitate implementation of the plan. Such agreement may include—

(1) that the Government of Palau may request, on a long-term or case-by-case basis, that the officers of United States law enforcement agencies may conduct investigations consistent with implementation of the plan in cooperation with the law enforcement agencies of the Government of Palau;

(2) that the Government of Palau or the Government of the United States may agree to provide specific resources, on a one-time or a multiyear basis, to strengthen the antidrug program; and

(3) a specific description of the technical assistance, training, and equipment to be provided to Palau by the United States necessary to implement the plan.

President of U.S.
48 USC 1681 note.

SEC. 104. PUBLIC AUDITOR AND SPECIAL PROSECUTOR.

(a) Upon request of the Government of Palau the President shall provide, on a nonreimbursable basis, appropriate technical assistance to the public auditor or special prosecutor. The assistance provided pursuant to this subsection for the first five years after the effective date of the Compact shall, upon the request of the Government of Palau, and to the extent personnel are available, include (but not be limited to) the full time services of—

(1) an auditor or accountant, as determined by the public auditor, for the office of public auditor; and

(2) an attorney or investigator, as determined by the special prosecutor, for the office of special prosecutor.

SEC. 105. POWER GENERATION.

48 USC 1681 note.

Section 104(e) of Public Law 99-658 is amended to read as follows:

"(e) Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sum and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau, except under the procedures established by the Compact and its related agreements. No funds appropriated pursuant to the Compact, this Act, or any other Act for grants or other assistance to Palau may be used to satisfy any obligation or expense incurred by Palau prior to November 14, 1986, with respect to any contract or debt related to any electrical generating plant or related facilities entered into or incurred by Palau which has not been specifically authorized by Congress in advance, except that the Government of Palau may use any portion of the annual grant under section 211(b) not required to be devoted to the energy needs of those parts of Palau not served by its central power generating facilities and any portion of the funds under section 212(b) of the Compact for such purpose.".

48 USC 1681 note.

SEC. 106. AUDIT CERTIFICATION.

The chief officer of any agency conducting an audit pursuant to paragraph (1) of sections 102(c) and 103(m) of the Compact of Free Association Act of 1985 (Public Law 99-239) and section 101(d)(1)(C) of Public Law 99-658 shall certify that audit.

48 USC 1681 note.

SEC. 107. ACQUISITION OF DEFENSE SITES.

The provisions of title III of the Compact relating to future use by the United States of defense sites in Palau do not restrict the authority of the President of the United States to—

(1) request additional funding, subject to appropriation, related to the use of privately owned land in Palau pursuant to article II of title III of the Compact as may be appropriate in light of actual land use requirements, independent appraisals of such privately owned land accepted by both governments, and other appropriate documentation of actual land use costs; and

(2) consent to an extension of the time set forth in a subsidiary agreement to such article in which the Government of Palau is required to make such land available to the United States.

Micronesia.
Marshall Islands.
48 USC 1681 note.

SEC. 108. FEDERAL PROGRAMS COORDINATION PERSONNEL.

The Secretary of the Interior shall station at least one professional staff person in each of the Offices of the United States Representatives in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands to provide Federal program coordination and technical assistance to such governments as authorized under Public Laws 99-239 and 99-658. In meeting the purposes of this section the Secretary shall select qualified persons following consultations with the Interagency Group on Freely Associated State Affairs.

48 USC 1681 note.

SEC. 109. REFERENDUM COSTS.

The Secretary of the Interior shall provide such sums as may be necessary for a further referendum on approval of the Compact, if one is required, or other appropriate costs associated with the approval process in Palau.

48 USC 1681 note.

SEC. 110. AGREEMENTS.

(a) EFFECTIVE DATE OF CERTAIN AGREEMENTS.—An agreement between the United States and the Government of the Republic of Palau consistent with the agreements approved by Public Law 101-62 (101 Stat. 162) shall take effect without further authorization thirty days after submission to Congress.

(b) EXTENSIONS.—The provisions of article IX, paragraph 5(a) of the Agreement referred to in section 462(e) of the Compact of Free Association as approved by Public Law 99-239, and article IX, paragraph 5(a) of the agreement referred to in section 462(f) of the Compact of Free Association for Palau as approved by Public Law 99-658, are extended, in accordance with the terms thereof, until October 1, 1998, unless earlier terminated or further extended by the laws of the United States.

99 Stat. 1833.
100 Stat. 3702.

(c) AUTHORIZATION.—Funding to implement the provisions of this title, and for assistance to the central health care facility and the prison in Palau, and the offices of Public Auditor and Special Prosecutor as proposed in the agreement entitled "Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau" signed on May 26, 1989, shall be available pursuant to the authorization in section 105(c) of Public Law 99-239 as referenced by section 102(b) of Public Law 99-658 or from funds appropriated for technical assistance to the Secretary of the Interior.

SEC. 111. MODIFICATION OF ENERGY ASSISTANCE FUNDING.

48 USC 1681 note.
President of U.S.

(a) The President is authorized to negotiate and conclude an agreement, including the obligation of United States funds, with the Government of Palau which shall provide the following:

(1) The sum of $28,000,000, adjusted by section 215 of the Compact at the time of its availability to Palau, shall be provided to Palau pursuant to section 211(b) of the Compact and upon entry into force of the Compact.

(2) Palau shall pay to the United States, on or before the 15th anniversary of the effective date of the Compact, an amount equal to the net economic cost to the United States of making available the section 211(b) funds in the manner specified in this subsection rather than as provided in section 211(b).

(3) Such economic cost shall reflect the time value of money and be determined using the rate determined for an equivalent loan by the Federal Financing Bank as of the date these funds are advanced, and using an inflation rate consistent with the determinations made under the provisions of section 215 of the Compact.

(4) If the Government of Palau has not paid such net economic costs to the United States by the 15th anniversary of the effective date of the Compact, then the United States shall be automatically paid such sums from the fund established under section 211(f) of the Compact.

(5) The provision of section 211(b) funds, as appropriated by Public Law 99-349 and pursuant to this subsection, shall be in fulfillment of all United States obligations under such section 211(b) of the Compact and shall be subject to section 236 of the Compact.

(b) Subject to the provisions of subsection (a) and upon the request of the Government of Palau, the sum of $28 million appropriated by Public Law 99-349 to fulfill the obligations of the United States under section 211(b) of the Compact (approved in Public Law 99-658), adjusted by section 215 of such Compact, shall be provided to Palau upon entry into force of the Compact.

(c) Funding provided in Public Law 101-121 under the "Trust Territory of the Pacific Islands" appropriation account shall remain available until expended.

SEC. 112. SUBMISSION OF AGREEMENTS.

48 USC 1681 note.

Any agreement concluded with the Government of Palau pursuant to this joint resolution including the agreement entitled "Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau" signed on May 26, 1989, and any agreement which would amend, change, or terminate any such agreement, or portion thereof, shall be submitted to the Congress and may not take effect until after 30 days after the date on which such agreement is so submitted. An amendment or agreement substituting or in addition to the subsidiary agreement negotiated under section 212(a) of the Compact or its annex shall take effect only when approved by an Act of Congress.

SEC. 113. TRANSITION FUNDING.

48 USC 1681 note.

For the purposes of applying section 105(c)(2) of the Compact of Free Association Act of 1985 (99 Stat. 1792) to Palau, the terms "fiscal year 1987", "fiscal year 1988", and "fiscal year 1989" in

best copy available

section 104(c) of Public Law 99-658 shall be deemed to be the first, second, and third fiscal years, respectively, beginning after the effective date of the Compact.

TITLE II—INSULAR AREAS MATTERS

48 USC 1681 note.

SEC. 201. CONTROLLED SUBSTANCES IN THE FREELY ASSOCIATED STATES.

President of U.S.

(a) IN GENERAL.—The President is authorized to negotiate agreements which provide—

(1) that the United States shall carry out the provisions of part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) as necessary to provide for the lawful distribution of controlled substances in the freely associated states; and

(2) that a freely associated state which institutes and maintains a voluntary system to report annual estimates of narcotics needs to the International Narcotics Control Board, and which imposes controls on imports of narcotic drugs consistent with the Single Convention on Narcotic Drugs, 1961, shall be eligible for exports of narcotic drugs from the United States in the same manner as a country meeting the requirements of subsection (a) of section 1003 of the Controlled Substances Act (21 U.S.C. 953).

(b) EFFECTIVE DATE.—Agreements concluded pursuant to this section shall become effective pursuant to section 101(f)(5) of Public Law 99-239 or section 101(d)(5) of Public Law 99-658, as may be applicable.

Libraries.
44 USC 1905 note.

SEC. 202. NORTHERN MARIANAS COLLEGE.

The Northern Marianas College is hereby constituted a depository to receive Government publications, and the Superintendent of Documents shall supply to the Northern Marianas College one copy of each such publication in the same form as supplied to other designated depositories.

SEC. 203. VIRGIN ISLANDS.

The Revised Organic Act of the Virgin Islands is amended by striking out the second sentence of section 25 (48 U.S.C. 1615).

SEC. 204. CABRAS ISLAND.

Section 818(b)(2) of Public Law 96-418 (94 Stat. 1782) (as amended by section 504 of Public Law 98-454 (98 Stat. 1736)) is amended by striking "30 percent" and inserting "50 percent".

Appropriation authorization.

SEC. 205. POHNPEI HYDROPOWER ADDITION.

In addition to sums already appropriated for the Nanpil hydropower project, there are hereby authorized to be appropriated to the Secretary of the Army up to $6.5 million for design and construction of the hydropower addition to the Nanpil project. The Secretary of the Army is directed to use any funds appropriated pursuant to this authorization for the intended purposes, and under the same terms and conditions as sums previously provided.

SEC. 206. CLARIFICATION WITH RESPECT TO ALLOTMENTS FOR TERRITORIES.

Section 901(a), Part 1, title I of the Act of June 19, 1968 (42 U.S.C. 3791(a)) is further amended in paragraph (2) by changing the proviso to read as follows: "*Provided*, That for the purpose of section 506(a), American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state and that for these purposes 67 per centum of the amounts allocated shall be allocated to American Samoa, and 33 per centum to the Commonwealth of the Northern Mariana Islands.".

SEC. 207. VIRGIN ISLANDS PRISON EXPANSION AND RENOVATION.

Appropriation authorization.

There is authorized to be appropriated $5,000,000 to the Secretary of the Interior for the Golden Grove Prison on St. Croix, United States Virgin Islands, and for renovation of and improvements of existing prison facilities.

SEC. 208. OFFICE OF THE RESIDENT REPRESENTATIVE.

Real property.
Taxes.
48 USC 1681 note.

Real property owned by the Commonwealth of the Northern Mariana Islands in the capital of the United States and used by the Resident Representative thereof in the discharge of his representative duties under the Covenant shall be exempt from assessment and taxation.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.J. Res. 175:

SENATE REPORTS: No. 101-189 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
    June 27, considered and passed House.
    Nov. 21, considered and passed Senate, amended. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
    Dec. 12, Presidential statement.

Public Law 101-220
101st Congress

An Act

Dec. 12, 1989
[S. 1793]

To make technical and correcting changes in agriculture programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OAT ACREAGE LIMITATION PROGRAM.

(a) In General.—Effective only for the 1990 crop of feed grains, section 105C(f)(2)(G) of the Agricultural Act of 1949 (7 U.S.C. 1444e(f)(2)(G)) is amended—

(1) by inserting "(i)" after the subparagraph designation; and

(2) by adding at the end the following new clause:

"(ii) In the case of the 1990 crop of oats, the Secretary may establish a percentage reduction for oats in accordance with paragraph (1) of less than 5 percent. If the Secretary does not establish a percentage reduction requirement for oats, the Secretary shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased as a result of this clause.".

(b) Conforming Amendments.—Effective only for the 1990 crop of feed grains, section 105C of such Act is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

"(E) This subsection shall not apply to the 1990 crop of oats."; and

(2) in subsection (f)(1), by adding at the end the following new subparagraph:

"(E) As a condition of eligibility for loans, purchases, and payments for the 1990 crop of oats, the producers of oats on a farm may not plant oats in excess of the crop acreage base for the farm.".

15 USC 714c note.

SEC. 2. EXPORT ENHANCEMENT PROGRAM; PROMOTION OF UNITED STATES MEAT EXPORTS.

(a) Commissaries.—During each of fiscal years 1990, 1991, and 1992, the Commodity Credit Corporation shall, in carrying out the export enhancement program established pursuant to section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)), promote the export of United States meat, including poultry products, to commissaries on military installations in the European Community.

(b) Funding.—

(1) In general.—Except as provided in paragraph (2), of the amounts made available by the Commodity Credit Corporation to exporters, processors, and foreign importers under the authority of section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) in commodities of the Commodity Credit Corporation to enhance the export of United States commodities by making the price of such commodities competitive in the world market, the Commodity Credit Corporation shall make available to carry out subsection (a) not less than $14,000,000 in funds or commodities for fiscal year 1990, not less

than $9,300,000 in funds or commodities for fiscal year 1991, and not less than $4,600,000 in funds or commodities for fiscal year 1992.

(2) TRANSPORTATION COSTS.—Funds or commodities shall be made available under this section only to the extent that funds are made available by the Department of Defense for the costs of transporting the meat to the commissaries.

(c) REIMBURSEMENT OF CORPORATION.—Section 4 of the Act of July 16, 1943 (57 Stat. 566, chapter 241; 15 U.S.C. 713a) shall not apply to services performed, losses sustained, operating costs incurred, or commodities purchased or delivered by the Commodity Credit Corporation pursuant to this section.

SEC. 3. EGGS.

(a) EXEMPTED EGG PRODUCERS.—Section 12 of the Egg Research and Consumer Information Act (7 U.S.C. 2711) is amended to read as follows:

"SEC. 12. EXEMPTED EGG PRODUCERS AND BREEDING HEN FLOCKS, CONDITIONS AND PROCEDURES.

"(a) IN GENERAL.—The following shall be exempt from the specific provisions of this Act under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder:

"(1) Any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date assessments are due and payable has not exceeded 30,000 laying hens, as determined under subsection (b).

"(2) Any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks.

"(b) NUMBER OF LAYING HENS.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the aggregate number of laying hens owned by an egg producer shall include—

"(A) in cases in which the producer is an individual, laying hens owned by such producer or members of such producer's family that are effectively under the control of such producer, as determined by the Secretary;

Corporation.

"(B) in cases in which the producer is a general partnership or similar entity, laying hens owned by the entity and all partners or equity participants in the entity; and

Securities.

"(C) in cases in which the producer holds 50 percent or more of the stock or other beneficial interest in a corporation, joint stock company, association, cooperative, limited partnership, or other similar entity, laying hens owned by the entity.

Ownership of laying hens by a trust or similar entity shall be considered ownership by the beneficiaries of the trust or other entity.

"(2) STOCK OR BENEFICIAL INTERESTS.—For purposes of paragraph (1)(C), stock or other beneficial interest in an entity that is held by—

"(A) members of the producer's family described in paragraph (1)(A);

"(B) a general partnership or similar entity in which the producer is a partner or equity participant;

"(C) the partners or equity participants in an entity of the type described in subparagraph (B); or

"(D) a corporation, joint stock company, association, cooperative, limited partnership, or other similar entity in which the producer holds 50 percent or more of the stock or other beneficial interests,

shall be considered as held by the producer.".

7 USC 2711 note.

(b) EGG PROMOTION AND RESEARCH ORDER.—

(1) AMENDMENT.—The Secretary of Agriculture shall issue an amendment to the egg promotion and research order issued under the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) to implement the amendments made by this section. Such amendment shall be issued after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title. The Secretary shall issue a proposed amendment to such order not later than 30 days after the date of enactment of this Act.

(2) EFFECTIVE DATE.—The amendment to the egg promotion and research order required by paragraph (1) shall become effective no later than March 1, 1990, and shall not be subject to a referendum under the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

SEC. 4. PEANUTS.

Section 8b of the Agricultural Adjustment Act (7 U.S.C. 608b), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following:

"(b)(1) If an agreement with the Secretary is in effect with respect to peanuts pursuant to this section—

"(A) all peanuts handled by persons who have not entered into such an agreement with the Secretary shall be subject to inspection to the same extent and manner as is required by such agreement; and

"(B) no such peanuts shall be sold or otherwise disposed of for human consumption if such peanuts fail to meet the quality requirements of such agreement.

"(2) Violation of this subsection by a person who has not entered into such an agreement shall result in the assessment by the Secretary of a penalty equal to 140 percent of the support price for quota peanuts multiplied by the quantity of peanuts sold or disposed of in violation of subsection (b)(1)(B), as determined under section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c-2), for the marketing year for the crop with respect to which such violation occurs.".

7 USC 608b note.

(c) EFFECTIVE DATE.—The amendment made by this section shall be effective with respect to the 1990 and subsequent crops of peanuts.

SEC. 5. RESEARCH INTO NEW COMMERCIAL PRODUCTS FROM NATURAL PLANT MATERIALS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1473D (7 U.S.C. 3319d) the following new section:

"SEC. 1173E. RESEARCH INTO NEW COMMERCIAL PRODUCTS FROM NATURAL PLANT MATERIALS.

7 USC 3319e.

"The Secretary may—

"(1) conduct fundamental and applied research related to the development of new commercial products derived from natural plant materials for industrial, medical, and agricultural applications; and

"(2) participate with colleges and universities, other Federal agencies, and private sector entities in conducting such research.".

SEC. 6. CALCULATION OF INSURANCE PREMIUMS PAID BY FARM CREDIT SYSTEM INSTITUTIONS.

(a) IN GENERAL.—Section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—

Banks and banking. Loans.

"(1) IN GENERAL.—Until the aggregate of amounts in the Farm Credit Insurance Fund exceeds the secure base amount, the annual premium due from any insured System bank for any calendar year shall be equal to the sum of—

"(A) the annual average principal outstanding for such year on loans made by the bank that are in accrual status, excluding the guaranteed portions of government-guaranteed loans provided for in subparagraph (C), multiplied by 0.0015;

"(B) the annual average principal outstanding for such year on loans made by the bank that are in nonaccrual status, multiplied by 0.0025; and

"(C)(i) the annual average principal outstanding for such year on the guaranteed portions of Federal Government-guaranteed loans made by the bank that are in accrual status, multiplied by 0.00015; and

"(ii) the annual average principal outstanding for such year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status, multiplied by 0.0003.

"(2) DEFINITION OF GOVERNMENT-GUARANTEED LOANS.—As used in this section and section 1.12(b), the term 'government-guaranteed loans' means loans or credits, or portions of loans or credits, that are guaranteed—

"(A) by the full faith and credit of the United States Government or any State government;

"(B) by an agency or other entity of the United States Government whose obligations are explicitly guaranteed by the United States Government; or

"(C) by an agency or other entity of a State government whose obligations are explicitly guaranteed by such State government.";

(2) in subsection (b), by inserting after "for the following calendar year" the following: ", as determined under subsection (a),";

(3) in subsection (c), by inserting after "at such time" the following: "(adjusted downward to exclude an amount equal to the sum of (1) 90 percent of the guaranteed portions of principal outstanding on Federal Government-guaranteed loans in accrual status made by such banks and (2) 80 percent of the

guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by such banks, as determined by the Corporation)"; and

(4) in subsection (d)—

(A) by striking "subsection (a)" in the material preceding paragraph (1) and inserting "subsections (a) and (c)";

(B) by striking "intermediate term" in the material preceding paragraph (1); and

(C) by striking paragraph (1) and inserting the following:

"(1) by any production credit association, or any other association making direct loans under authority provided under section 7.6, that is able to make such loans because such association is receiving, or has received, funds provided through the Farm Credit Bank;".

(b) CONFORMING AMENDMENTS.—(1) The first sentence of subsection (b) of section 1.12 of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended by inserting after "production credit association" the following: ", other association making direct loans under the authority provided under section 7.6,".

(2) The second sentence of subsection (b) of section 1.12 of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(A) in paragraph (1)—

(i) by inserting before "discounted with" the following: "funded by or";

(ii) by inserting after "that are in accrual status," the following: "excluding the guaranteed portions of government-guaranteed loans provided for in paragraph (3),"; and

(iii) by striking "and" at the end;

(B) in paragraph (2)—

(i) by inserting before "discounted with" the following: "funded by or"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (2) the following:

"(3)(A) the annual average principal outstanding for such year on the guaranteed portions of Federal government-guaranteed loans made by the association, or by the other financing institution and funded by or discounted with the Farm Credit Bank, that are in accrual status, multiplied by 0.00015; and

"(B) the annual average principal outstanding for such year on the guaranteed portions of State government-guaranteed loans made by the association, or by the other financing institution and funded by or discounted with the Farm Credit Bank, that are in accrual status, multiplied by 0.0003.".

(3) Section 5.59(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-8(b)(1)) is amended by inserting after "any production credit association," the following: "any other association making direct loans under authority provided under section 7.6,".

(4) Section 5.61(e) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-10(e)) is amended by inserting after "production credit association" the following: "and other association making direct loans under the authority provided under section 7.6".

12 USC 2020 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective for insurance premiums due to the Farm Credit System Insurance Corporation under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) on or after January 1, 1990, based on the loan volume of each bank for each calendar year beginning with calendar year 1989, and shall be effective for the calculation of the initial premium payment required under section 5.56(c) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5(c)).

SEC. 7. PURCHASES OF FINANCIAL ASSISTANCE CORPORATION STOCK BY FARM CREDIT SYSTEM INSTITUTIONS.

12 USC 2278b-9 note.

(a) DELAYED EFFECTIVE DATE FOR STOCK PURCHASE REQUIREMENTS.—Notwithstanding any other provision of law, the amendments to section 6.29 of the Farm Credit Act of 1971 (12 U.S.C. 2278b-9) made by section 646 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460; 102 Stat. 2266) shall be effective on October 1, 1992.

(b) PAYMENTS.—

(1) FOUR ANNUAL PAYMENTS.—Notwithstanding any other provison of law, the Financial Assistance Corporation shall pay, out of the Financial Assistance Corporation Trust Fund (hereinafter in this section referred to as the "Trust Fund") established under section 6.25(b) of the Farm Credit Act of 1971 (12 U.S.C. 2278b-5(b)), to each of the institutions of the Farm Credit System that purchased stock in the Financial Assistance Corporation under section 6.29 of the Farm Credit Act of 1971, four annual payments as provided in this subsection.

(2) TIMING OF PAYMENTS.—The annual payments provided for by this subsection shall be made available as soon as practicable after October 1 of each of the calendar years 1989 through 1992.

(3) CALCULATION OF FIRST PAYMENT.—The first annual payment made available under this subsection shall be in an amount equal to—

(A) a percentage equal to 1.5 times the average rate of interest received by the Financial Assistance Corporation on assets of the Trust Fund from March 30, 1988, through September 30, 1989; times

(B) the difference between $177,000,000 and 4.4 percent of the cumulative amount of the bonds issued by the Financial Assistance Corporation through September 30, 1989.

(4) CALCULATION OF REMAINING PAYMENTS.—The second, third, and fourth annual payments made available under this subsection shall be in an amount equal to—

(A) a percentage equal to the average rate of interest received by the Financial Assistance Corporation on assets of the Trust Fund during each of the fiscal years 1990 through 1992; times

(B) the difference between $177,000,000 and 4.4 percent of the cumulative amount of the bonds issued by the Financial Assistance Corporation through September 30 of each of such fiscal years.

(5) DISTRIBUTION OF ANNUAL PAYMENTS.—Annual payments due under this subsection shall be made available to each institution described in paragraph (1) in an amount equal to the total amount of annual payments to be made available times the ratio of the amount of stock each institution purchased divided by $177,000,000.

SEC. 8. EXEMPTION OF CERTAIN INTEREST PAYMENTS BY THE UNITED STATES TREASURY FROM SEQUESTRATION.

Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting

"Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351);" after "Exchange stabilization fund (20-4444-0-3-155);".

SEC. 9. DISASTER ASSISTANCE COVERAGE FOR EARTHQUAKES.

(a) Annual Crops.—(1) Section 104(d)(1) of the Disaster Assistance Act of 1989 is amended by inserting "ornamentals affected by earthquake and" after "(including". *Ante*, p. 570.

(2) Section 112(1) of such Act is amended by inserting "earthquake," after "hurricane,".

(b) Orchards.—(1) Section 121(a) of the Disaster Assistance Act of 1989 is amended to read as follows: *Ante*, p. 577.

"(a) Loss.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 122, to eligible orchardists that planted trees for commercial purposes but lost such trees as a result of freeze, earthquake, or related condition in 1989, as determined by the Secretary.".

(2) Section 122(1) of such Act is amended by inserting ", earthquake," after "freeze". *Ante*, p. 577.

(c) Forest Crops.—(1) Section 131(a) of the Disaster Assistance Act of 1989 is amended to read as follows: *Ante*, p. 578.

"(a) Loss.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 132, to eligible tree farmers that planted tree seedlings in 1988 or 1989 for commercial purposes but lost such seedlings as a result of drought, earthquake, or related condition in 1989, as determined by the Secretary.".

(2) Section 132(1) of such Act is amended by inserting ", earthquake," after "drought". *Ante*, p. 578.

(d) Disaster Assistance for Rural Business Enterprises.—Section 401 of the Disaster Assistance Act of 1989 is amended— 7 USC 1929a note.

(1) in paragraph (a)(1), by inserting "earthquake," after "excessive moisture,"; and

(2) in paragraph (c)(2), by striking out "$200,000,000" and inserting "$300,000,000".

SEC. 10. TEMPORARY EXCLUSION OF CERTAIN HOUSING ASSISTANCE FROM INCOME FOR PURPOSES OF THE FOOD STAMP ACT OF 1977.

Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note) is amended by—

(1) striking "1989" and inserting "1990";

(2) redesignating paragraph (2) as paragraph (3); and

(3) inserting after paragraph (1) the following paragraph:

"(2) The Secretary shall adjust the level of benefits provided to households under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) during the period between September 30, 1989 and the effective date of this paragraph to ensure that the level of such benefits is no less than the level determined in accordance with the provisions of section 5(k)(2)(F) of the Food Stamp Act of 1977.".

SEC. 11. SUBMISSION OF ACTUAL YIELD DATA TO COUNTY COMMITTEES.

(a) Submission of Actual Yield Data to County Committees.—Effective for the 1989 and 1990 crops of wheat, feed grains, upland cotton, and rice, section 506 of the Agricultural Act of 1949 (7 U.S.C. 1466) is amended by adding at the end the following new subsection:

Records.

“(e)(1) With respect to the 1989 and subsequent crop years, the Secretary shall allow producers to provide to county committees data with respect to the actual yield for each farm for each program crop. The Secretary shall maintain such data for at least five crop years after receipt in a manner that will permit the data to be used, if necessary, in the administration of the commodity programs for the 1989 and subsequent crops.

“(2) The Secretary shall provide timely notification to producers of the provisions of paragraph (1).

“(3) With respect to the 1989 crop year, the Secretary shall determine what the costs of each commodity program would be if farm program payment yields were determined in accordance with the methods prescribed in paragraph (4) and what the impact of such alternative methods would be on each commodity program and on producers participating in each commodity program.

“(4) The alternative methods of determining program payment yields for purposes of paragraph (3) shall include, at a minimum:

“(A) using producers' actual yields for the current crop year;

“(B) allowing producers the option of choosing to use their actual yields or the county average yield for the current crop year; and

“(C) the yield derived on the basis of the average of the actual yield per harvested acre for the crop for each of the five crop years immediately preceding such crop year, excluding the crop year with the highest yield per harvested acre, the crop year with the lowest yield per harvested acre, and any crop year in which such crop was not planted on the farm.

Reports.

Not later than January 30, 1990, the Secretary shall report the determinations under this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.”.

7 USC 1466 note.

(b) Submission of Soybean Actual Yield Data to County Committees.—With respect to the 1989 and 1990 crop years, the Secretary shall allow producers of soybeans to provide to county committees (as defined in section 502 of the Agricultural Act of 1949 (7 U.S.C. 1462)) data with respect to the actual yield for each farm for each crop of soybeans. The Secretary shall maintain such data for at least five crop years after receipt in such a manner as to be easily accessible. The Secretary shall provide timely notification to producers of the provisions of this section.

Records.

SEC. 12. EXTENSION ON SALE OF RURAL DEVELOPMENT LOANS.

Section 1001 of the Omnibus Budget Reconciliation Act of 1986 (7 U.S.C. 1929a note) is amended by adding at the end the following new subsection:

Securities.

“(h)(1) Notwithstanding the provisions of section 633 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460), the Secretary of Agriculture shall offer to the issuer of any unsold note or other obligation described in paragraph (2)(A) for which such issuer made the good faith deposit described in paragraph (2)(A) the opportunity to purchase such note or other obligation consistent with the provisions of this subsection and subsections (f)(2) and (f)(3).

“(2) The provisions of this subsection shall apply only to those issuers who:

“(A) on or before March 9, 1989, made a good faith deposit under this section for fiscal year 1989 with the Secretary to purchase a note or other obligation held in the Rural Development Insurance Fund; and

"(B) otherwise meet all eligibility criteria, as such criteria existed immediately prior to May 9, 1989, at the time the purchase occurs under this subsection.

"(3) The opportunity to purchase any such note or other obligation shall be held open, under the policies and procedures in effect under subsections (f)(2) and (f)(3) immediately prior to May 9, 1989, for 150 days after the date of enactment of this subsection. The Secretary shall not require any further good faith deposit from issuers who qualify under this subsection. The Secretary shall notify eligible issuers of the opportunity afforded under this subsection within 30 days after the date of enactment of this subsection and may require such issuers to express an intention to purchase their note or other obligation by a date certain.".

Taxes.
Tariff Schedules of the U.S.
7 USC 1736cc.

SEC. 13. PROHIBITION ON DUTY DRAWBACK CLAIMS BY EXPORTERS WHO USE CERTAIN EXPORT PROMOTION PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture may provide that a person shall be ineligible for participation in an export program established under title I or title III of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), or in any other export credit, credit guarantee, bonus, or other export program carried out through, or administered by, the Commodity Credit Corporation or carried out with funds made available pursuant to section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c) with respect to the export of any agricultural commodity or product that has been or will be used as the basis for a claim of a refund, as drawback, pursuant to section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)), of any duty, tax, or fee imposed under Federal law on an imported commodity or product.

Claims.

(b) VEGETABLE OIL.—A person shall be ineligible for participation in any of the export programs referred to in subsection (a) with respect to the export of vegetable oil or a vegetable oil product that has been or will be used as the basis for a claim of a refund, as a drawback, pursuant to section 313 of the Tariff Act of 1930, of any duty, tax, or fee imposed under Federal law on an imported commodity or product.

(c) CERTIFICATION.—A person applying to export any agricultural commodity or product under the export programs referred to in subsection (a) shall certify, in accordance with regulations issued under subsection (d), that none of the commodity or product has been or will be used as the basis of a claim for any refund specified in subsection (a), except that a person applying to export any vegetable oil or vegetable oil product under such programs shall certify that none of the vegetable oil or vegetable oil product has been or will be used as the basis of a claim for any refund specified in subsection (b).

(d) REGULATIONS.—The Secretary of Agriculture shall issue regulations to carry out this section.

Contracts.

(e) APPLICABILITY.—This section shall not apply to quantities of agricultural commodities and products with respect to which an exporter has entered into a contract, prior to the effective date of this section, for an export sale.

SEC. 11. REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS.

Disaster assistance.
7 USC 1421 note.

Effective only for the 1988 crops of wheat, feed grains, upland cotton, and rice, produced by producers that qualified for assistance under section 201(a) of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note) or section 101(a) of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note), if the Secretary of Agriculture determines that any portion of the advance deficiency payment made to producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) must be refunded, such refund shall not be required to be made prior to July 31, 1990.

Approved December 12, 1989.

LEGISLATIVE HISTORY—S. 1793:

CONGRESSIONAL RECORD, Vol. 135 (1989):
- Oct. 25, considered and passed Senate.
- Nov. 9, considered and passed House, amended.
- Nov. 21, Senate concurred in House amendment with amendments. House concurred in Senate amendments.

Public Law 101-221
101st Congress

An Act

Dec. 12, 1989
[H.R. 3275]

To implement the steel trade liberalization program.

Steel Trade Liberalization Program Implementation Act.
Business and industry.
Imports.
19 USC 2101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Trade Liberalization Program Implementation Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES; SENSE OF CONGRESS REGARDING THE STEEL TRADE LIBERALIZATION PROGRAM.

(a) FINDINGS AND PURPOSES.—Section 802 of the Steel Import Stabilization Act (19 U.S.C. 2253 note) is amended to read as follows:

"SEC. 802. FINDINGS AND PURPOSES.

"(a) The Congress finds that—

"(1) since 1984, the United States steel industry has made significant progress toward adjustment, through modernization of production facilities, elimination of excess capacity, reduction of production costs, and improvement of productivity;

"(2) an extension of import relief, through transitional bilateral arrangements, for a period of two and one-half years will facilitate the steel industry's continued modernization and worker retraining;

"(3) liberalization of market access during the period of transitional bilateral arrangements, with preferential treatment for countries who support fair and open trade, will help ensure an orderly return to an open market;

"(4) the negotiation of an international consensus through the Uruguay Round of trade negotiations and through bilateral agreements to address subsidies and tariff and nontariff barriers will strengthen the international trading system and conditions of global steel trade; and

"(5) the termination of transitional bilateral arrangements by March 31, 1992, and the full and forceful application of the United States unfair trade laws, will protect the United States national interest in preserving conditions of fair and open trade in the United States market.

"(b) The purposes of this title are—

"(1) to endorse the principles and goals of the steel trade liberalization program as announced by the President on July 25, 1989, and provide for its implementation;

"(2) to grant specific enforcement powers to the President to carry out the terms and conditions of bilateral arrangements entered into for purposes of implementing that program; and

"(3) to make the continuation of those powers subject to the condition that the steel industry continue to modernize its plant and equipment and provide for appropriate worker retraining.".

(b) Sense of Congress.—Section 803 of the Steel Import Stabilization Act is amended to read as follows:

19 USC 2253 note.

"SEC. 803. SENSE OF CONGRESS REGARDING THE STEEL TRADE LIBERALIZATION PROGRAM.

"(a) The Congress supports the full and effective implementation of the steel trade liberalization program.

"(b) It is the sense of the Congress that the steel trade liberalization program should be implemented in a manner which provides for liberalized market access for steel products during the period in which bilateral arrangements remain authorized in order to prepare for the eventual termination of such arrangements in 1992 and reliance thereafter on market forces and the full enforcement of United States trade laws. In particular, liberalized market access should be provided to those foreign countries that work with the United States to achieve the goals referred to in subsection (c).

"(c) It is further the sense of the Congress that the United States Trade Representative should promptly conduct negotiations, through the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade and through complementary bilateral arrangements, to seek an international consensus regarding steel trade that provides for—

"(1) strong disciplines over trade-distorting government subsidies;

"(2) the lowering of trade barriers so as to ensure market access; and

"(3) enforcement measures to deal with violations of consensus obligations.

"(d) The President shall provide to the Congress an annual assessment of the progress of the negotiations referred to in subsection (c). The President may include the assessment in the annual report required under section 163(a) of the Trade Act of 1974 (19 U.S.C. 2213(a)) regarding the trade agreements program.".

President of U.S. Reports.

SEC. 3. EXTENSION OF ACT.

(a) Extension Until April 1, 1992.—Section 806(a) of the Steel Import Stabilization Act is amended—

19 USC 2253 note.

(1) by striking out "the fifth anniversary of the effective date of this title" in paragraph (1) and inserting "March 31, 1992"; and

(2) by striking out "or fourth" in paragraph (2) and inserting "fourth, fifth, sixth, or seventh".

(b) Special Provision.—If the Steel Trade Liberalization Program Implementation Act is not enacted on or before October 1, 1989, then section 806(a)(2) of the Steel Import Stabilization Act (as amended by subsection (a)) shall be applied by treating the reference therein to the close of the fifth anniversary of the effective date of the Steel Import Stabilization Act as a reference to the close of the 30th day after the date of the enactment of the Steel Trade Liberalization Program Implementation Act.

19 USC 2253 note.

SEC. 4. ENFORCEMENT AUTHORITY.

(a) Interim Authority.—Section 805(a) of the Steel Import Stabilization Act is amended by adding at the end thereof the following new sentence: "The President is further authorized to carry out, between October 1, 1989, and the date of the concluding of any

19 USC 2253 note.

bilateral arrangement, such actions as may be necessary or appropriate to ensure an orderly transition to that arrangement.".

(b) SHORT SUPPLY SITUATIONS.—Section 805(b) of the Steel Import Stabilization Act is amended to read as follows:

19 USC 2253 note.

"(b)(1) If—

"(A) a bilateral arrangement includes a provision relating to short supply situations; and

"(B) the Secretary of Commerce (hereinafter in this subsection referred to as the 'Secretary') determines, in accordance with this subsection, that a short supply situation exists in the United States with respect to a steel product that is subject to a quantitative limitation under such arrangement;

the Secretary shall authorize the importation of additional quantities of that product without regard to any aggregate quantitative import limitation in effect under such arrangement.

"(2) In determining under this subsection whether a short supply situation exists in the United States with respect to a steel product, the Secretary shall take into account all relevant factors, including—

"(A) (to the extent information is available) the recent levels of capacity utilization for domestic facilities producing the product;

"(B) the quantity of the steel product requested in a short supply petition and the ability of domestic producers to supply the product in such quantity;

"(C) the willingness of a domestic producer to supply the steel product at a price which is not an aberration from prevailing domestic market prices;

"(D) reasonable specifications requested by the purchaser or any end user; and

"(E) delivery times to the purchaser and any end user of the steel product.

"(3)(A) A petition requesting a determination under this subsection may be filed with the Secretary. The petition must be in such form and contain such relevant information as the Secretary requires.

Federal Register, publication.

"(B) If the Secretary considers that a petition filed under subparagraph (A) is adequate, the Secretary shall promptly cause to be published in the Federal Register a notice that a determination under this subsection with respect to the steel product concerned is under consideration.

"(C) The Secretary shall provide opportunity for comment by interested persons regarding the issues raised in a petition.

"(D)(i) The petitioner shall certify that the factual information contained in the petition and any additional submission is accurate and complete to the best of the petitioner's knowledge.

"(ii) An interested person shall certify that the factual information submitted by that person to the Secretary is accurate and complete to the best of the person's knowledge.

"(4)(A) If an adequate petition is filed under paragraph (3)(A), the Secretary shall determine, not later than the day specified in subparagraph (B)—

"(i) whether a short supply situation exists in the United States with respect to the steel product; and

"(ii) if the determination under clause (i) is affirmative, the quantity of the steel product that the Secretary will authorize for importation.

"(B) The Secretary must make a determination with respect to a petition not later than—

"(i) the 15th day after the day on which the petition is filed if—

"(I) the raw steel making capacity utilization in the United States equals or exceeds 90 percent,

"(II) the importation of additional quantities of the steel product was authorized by the Secretary during each of the 2 immediately preceding years, or

"(III) the Secretary finds, on the basis of available information (and whether or not in the context of a determination under this subsection), that the steel product is not produced in the United States; or

"(ii) the 30th day after the day on which the petition was filed if neither subclause (I), (II), or (III) of clause (i) applies.

"(C) In making a determination with respect to which subparagraph (B)(i) applies, the Secretary shall apply a rebuttable presumption that the short supply situation alleged in the petition exists.

Federal Register, publication.

"(D) The Secretary shall cause to be published in the Federal Register notice of each determination made under this subsection setting forth the reasons for the determination.

"(5) If under this subsection the Secretary authorizes the importation of a specified quantity of a steel product, the Secretary shall notify a representative of the appropriate foreign government and issue to the petitioner the necessary documentation to permit the importation of that quantity.

Regulations.

"(6) The Secretary shall prescribe regulations to carry out this subsection. The interim text of such regulations shall be issued on or before the 30th day after the date of the enactment of the Steel Trade Liberalization Program Implementation Act. The regulations shall provide for transparency and fairness in the process of making short supply determinations, and shall be consistent with the President's announcement on July 25, 1989, establishing the steel trade liberalization program.".

(c) CONFORMING AMENDMENTS.—Section 805 is further amended—

(1) by amending subsection (c) by striking out "may provide" and inserting ", in consultation with the Secretary of Commerce, shall provide"; and

(2) by striking out "President's Steel Policy," in subsection (d)(3) and inserting "steel trade liberalization program".

SEC. 5. DEFINITIONS.

19 USC 2253 note.

Section 804 of the Steel Import Stabilization Act is amended—

(1) by inserting "or the steel trade liberalization program" before the period at the end of paragraph (1); and

(2) by adding at the end thereof the following:

"(4) The term 'steel trade liberalization program' means the program, announced by the President on July 25, 1989, designed to achieve an orderly transition to open markets, the continued modernization and adjustment of the steel industry, and the negotiation of an international consensus to restore fair and open steel trade.".

SEC. 6. DOMESTIC INDUSTRY EFFORTS TO IMPROVE QUALITY AND SERVICE AND TO PROVIDE WORKER TRAINING.

19 USC 2253 note.

(a) IN GENERAL.—Section 806(b) of the Steel Import Stabilization Act is amended—

(1) by amending paragraph (2)(A) to read as follows:

"(A) The term 'major company' means an enterprise that produces iron and steel and whose raw steel production in the United States during 1988 exceeded 2,000,000 net tons."; and

(2) by adding at the end of paragraph (3) the following: "For purposes of this paragraph, the United States International Trade Commission shall seek to—

"(A) obtain information from purchasers of domestic steel products, as well as from domestic producers of steel products, regarding recent improvements in domestic quality and service, including those that result from industry modernization; and

"(B) obtain information on—

"(i) the general nature of the worker retraining efforts undertaken by the steel industry, and

"(ii) with respect to the moneys referred to in paragraph (1)(B), the amounts used to retrain displaced former employees as compared with the amounts used for on-the-job retraining within the industry.".

19 USC 2253 note.

(b) SPECIAL RULE.—The amendment made by subsection (a)(1) shall not affect the definition of "qualified corporation" contained in section 212(g)(1)(A) of the Tax Reform Act of 1986.

SEC. 7. ETHYL ALCOHOL AND MIXTURES THEREOF FOR FUEL USE.

(a) DETERMINATION OF INDIGENOUS PRODUCTS.—Section 423(c) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by striking out paragraph (2) and inserting the following:

"(2) Ethyl alcohol or a mixture thereof that is produced by a process of full fermentation in an insular possession or beneficiary country shall be treated as being an indigenous product of that possession or country.

"(3)(A) Ethyl alcohol and mixtures thereof that are only dehydrated within an insular possession or beneficiary country (hereinafter in this paragraph referred to as 'dehydrated alcohol and mixtures') shall be treated as being indigenous products of that possession or country only if the alcohol or mixture, when entered, meets the applicable local feedstock requirement.

"(B) The local feedstock requirement with respect to any calendar year is—

"(i) 0 percent with respect to the base quantity of dehydrated alcohol and mixtures that is entered;

"(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures next entered after the base quantity; and

"(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.

"(C) For purposes of this paragraph:

"(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calendar year, the greater of—

"(I) 60,000,000 gallons; or

"(II) an amount (expressed in gallons) equal to 7 percent of the United States domestic market for ethyl alcohol, as determined by the United States International Trade Commission, during the 12-month period ending on the preceding September 30;

that is first entered during that calendar year.

"(ii) The term 'local feedstock' means hydrous ethyl alcohol which is wholly produced or manufactured in any insular possession or beneficiary country.

"(iii) The term 'local feedstock requirement' means the minimum percent, by volume, of local feedstock that must be included in dehydrated alcohol and mixtures.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to calendar years 1990 and 1991. 19 USC 2703 note.

SEC. 8. CONSISTENCY OF THE SUPERFUND PETROLEUM TAX WITH THE GENERAL AGREEMENT ON TARIFFS AND TRADE.

(a) UNIFORM RATE.—Section 4611(c)(2)(A) of the Internal Revenue Code of 1986 (26 U.S.C. 4611(c)(2)(A)) is amended to read as follows:

"(A) the Hazardous Substance Superfund financing rate is 9.7 cents a barrel, and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act. 26 USC 4611 note.

SEC. 9. EFFECTIVE DATE.

19 USC 2253 note.

The amendments made by this Act (other than the amendments made by sections 7 and 8) shall take effect on October 1, 1989.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 3275:

HOUSE REPORTS: No. 101-263 (Comm. on Ways and Means).
SENATE REPORTS: No. 101-206 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  Oct. 2, considered and passed House.
  Nov. 21, considered and passed Senate, amended. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
  Dec. 12, Presidential statement.

Public Law 101-222
101st Congress

An Act

Dec. 12, 1989
[H.R. 91]

To prohibit exports of military equipment to countries supporting international terrorism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Terrorism and Arms Export Amendments Act of 1989.
22 USC 2151 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Anti-Terrorism and Arms Export Amendments Act of 1989".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Prohibition on arms transactions with countries supporting terrorism.
Sec. 3. Considerations in issuance of arms export licenses and in arms sales.
Sec. 4. Exports to countries supporting terrorism.
Sec. 5. Prohibition on assistance to countries supporting international terrorism.
Sec. 6. Designation of items on the munitions list.
Sec. 7. Quarterly reports on third country transfers and on DOD transfers to other agencies.
Sec. 8. Special authorities.
Sec. 9. Hostage Act.
Sec. 10. Self-defense in accordance with international law.

SEC. 2. PROHIBITION ON ARMS TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM.

(a) Prohibition.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) is amended to read as follows:

"SEC. 40. TRANSACTIONS WITH COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

"(a) Prohibited Transactions by the United States Government.—The following transactions by the United States Government are prohibited:

"(1) Exporting or otherwise providing (by sale, lease or loan, grant, or other means), directly or indirectly, any munitions item to a country described in subsection (d) under the authority of this Act, the Foreign Assistance Act of 1961, or any other law (except as provided in subsection (h)). In implementing this paragraph, the United States Government—

"(A) shall suspend delivery to such country of any such item pursuant to any such transaction which has not been completed at the time the Secretary of State makes the determination described in subsection (d), and

"(B) shall terminate any lease or loan to such country of any such item which is in effect at the time the Secretary of State makes that determination.

"(2) Providing credits, guarantees, or other financial assistance under the authority of this Act, the Foreign Assistance Act of 1961, or any other law (except as provided in subsection (h)), with respect to the acquisition of any munitions item by a country described in subsection (d). In implementing this paragraph, the United States Government shall suspend expenditures pursuant to any such assistance obligated before the Secretary of State makes the determination described in subsection (d). The President may authorize expenditures otherwise required to be suspended pursuant to the preceding sentence if the President has determined, and reported to the Congress, that suspension of those expenditures causes undue financial hardship to a supplier, shipper, or similar person and allowing the expenditure will not result in any munitions item being made available for use by such country.

"(2) Consenting under section 3(a) of this Act, under section 505(a) of the Foreign Assistance Act of 1961, under the regulations issued to carry out section 38 of this Act, or under any other law (except as provided in subsection (h)), to any transfer of any munitions item to a country described in subsection (d). In implementing this paragraph, the United States Government shall withdraw any such consent which is in effect at the time the Secretary of State makes the determination described in subsection (d), except that this sentence does not apply with respect to any item that has already been transferred to such country.

"(3) Providing any license or other approval under section 38 of this Act for any export or other transfer (including by means of a technical assistance agreement, manufacturing license, distribution agreement, or coproduction agreement) of any munitions item to a country described in subsection (d). In implementing this paragraph, the United States Government shall suspend any such license or other approval which is in effect at the time the Secretary of State makes the determination described in subsection (d), except that this sentence does not apply with respect to any item that has already been exported or otherwise transferred to such country.

"(4) Otherwise facilitating the acquisition of any munitions item by a country described in subsection (d). This paragraph applies with respect to activities undertaken—

"(A) by any department, agency, or other instrumentality of the Government,

"(B) by any officer or employee of the Government (including members of the United States Armed Forces), or

"(C) by any other person at the request or on behalf of the Government.

The Secretary of State may waive the requirements of the second sentence of paragraph (1), the second sentence of paragraph (2), and the second sentence of paragraph (3) to the extent that the Secretary determines, after consultation with the Congress, that unusual and compelling circumstances require that the United States Government not take the actions specified in that sentence.

"(c) PROHIBITIONS ON TRANSACTIONS BY UNITED STATES PERSONS.—

"(1) IN GENERAL.—A United States person may not take any of the following actions:

"(A) Exporting any munitions item to any country described in subsection (d).

"(B) Selling, leasing, loaning, granting, or otherwise providing any munitions item to any country described in subsection (d).

"(C) Selling, leasing, loaning, granting, or otherwise providing any munitions item to any recipient which is not the government of or a person in a country described in subsection (d) if the United States person has reason to know that the munitions item will be made available to any country described in subsection (d).

"(D) Taking any other action which would facilitate the acquisition, directly or indirectly, of any munitions item by the government of any country described in subsection (d), or any person acting on behalf of that government, if the United States person has reason to know that that action will facilitate the acquisition of that item by such a government or person.

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Regulations.

"(2) LIABILITY FOR ACTIONS OF FOREIGN SUBSIDIARIES, ETC.—A United States person violates this subsection if a corporation or other person that is controlled in fact by that United States person (as determined under regulations, which the President shall issue) takes an action described in paragraph (1) outside the United States.

"(3) APPLICABILITY TO ACTIONS OUTSIDE THE UNITED STATES.—Paragraph (1) applies with respect to actions described in that paragraph which are taken either within or outside the United States by a United States person described in subsection (l)(3) (A) or (B). To the extent provided in regulations issued under subsection (l)(3)(D), paragraph (1) applies with respect to actions described in that paragraph which are taken outside the United States by a person designated as a United States person in those regulations.

"(c) APPLICATION TO GOVERNMENTS AND PERSONS COVERED.—This section applies with respect to—

"(1) the acquisition of munitions items by the government of a country described in subsection (d); and

"(2) the acquisition of munitions items by any individual, group, or other person within a country described in subsection (d), except to the extent that subparagraph (D) of subsection (b)(1) provides otherwise.

"(d) COUNTRIES COVERED BY PROHIBITION.—The prohibitions contained in this section apply with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

Federal Register, publication.

"(e) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (d) shall be published in the Federal Register.

Reports.

"(f) RESCISSION.—A determination made by the Secretary of State under subsection (d) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(1) before the proposed rescission would take effect, a report certifying that—

"(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

"(B) that government is not supporting acts of international terrorism; and

"(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

"(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

"(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

"(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

"(g) WAIVER.—The President may waive the prohibitions contained in this section with respect to a specific transaction if—

"(1) the President determines that the transaction is essential to the national security interests of the United States; and

"(2) not less than 15 days prior to the proposed transaction, the President—

"(A) consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

"(B) submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing— Reports.

"(i) the name of any country involved in the proposed transaction, the identity of any recipient of the items to be provided pursuant to the proposed transaction, and the anticipated use of those items;

"(ii) a description of the munitions items involved in the proposed transaction (including their market value) and the actual sale price at each step in the transaction (or if the items are transferred by other than sale, the manner in which they will be provided);

"(iii) the reasons why the proposed transaction is essential to the national security interests of the United States and the justification for such proposed transaction;

"(iv) the date on which the proposed transaction is expected to occur; and

"(v) the name of every United States Government department, agency, or other entity involved in the proposed transaction, every foreign government involved in the proposed transaction, and every private party with significant participation in the proposed transaction.

To the extent possible, the information specified in subparagraph (B) of paragraph (2) shall be provided in unclassified form, with any classified information provided in an addendum to the report. Public information. Classified information.

"(h) EXEMPTION FOR TRANSACTIONS SUBJECT TO NATIONAL SECURITY ACT REPORTING REQUIREMENTS.—The prohibitions contained in this section do not apply with respect to any transaction subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities).

"(i) RELATION TO OTHER LAWS.—

"(1) IN GENERAL.—With regard to munitions items controlled pursuant to this Act, the provisions of this section shall apply notwithstanding any other provision of law, other than section 614(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)).

"(2) SECTION 614(a) WAIVER AUTHORITY.—If the authority of section 614(a) of the Foreign Assistance Act of 1961 is used to permit a transaction under that Act or the Arms Export Control Act which is otherwise prohibited by this section, the written policy justification required by that section shall include the information specified in subsection (g)(2)(B) of this section.

"(j) CRIMINAL PENALTY.—Any person who willfully violates this section shall be fined for each violation not more than $1,000,000, imprisoned not more than 10 years, or both.

"(k) CIVIL PENALTIES; ENFORCEMENT.—In the enforcement of this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies, and officials by sections 11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979 (subject to the same terms and conditions as are applicable to such powers under that Act), except that, notwithstanding section 11(c) of that Act, the civil penalty for each violation of this section may not exceed $500,000.

"(l) DEFINITIONS.—As used in this section—

"(1) the term 'munitions item' means any item enumerated on the United States Munitions list (without regard to whether the item is imported into or exported from the United States);

"(2) the term 'United States', when used geographically, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; and

"(3) the term 'United States person' means—

"(A) any citizen or permanent resident alien of the United States;

"(B) any sole proprietorship, partnership, company, association, or corporation having its principal place of business within the United States or organized under the laws of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States;

"(C) any other person with respect to that person's actions while in the United States; and

"(D) to the extent provided in regulations issued by the Secretary of State, any person that is not described in subparagraph (A), (B), or (C) but—

"(i) is a foreign subsidiary or affiliate of a United States person described in subparagraph (B) and is controlled in fact by that United States person (as determined in accordance with those regulations), or

"(ii) is otherwise subject to the jurisdiction of the United States,

with respect to that person's actions while outside the United States.".

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act (22 U.S.C. 2753(f)) is repealed.

SEC. 3. CONSIDERATIONS IN ISSUANCE OF ARMS EXPORT LICENSES AND IN ARMS SALES.

(a) EXPORT LICENSES.—Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778) is amended by inserting "support international terrorism," after "arms race,".

(b) ARMS SALES.—Section 36(b)(1)(D) of that Act (22 U.S.C. 2776(b)(1)(D)) is amended—

(1) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(2) by inserting the following new clause (ii) after clause (i):

"(ii) support international terrorism;".

SEC. 4. EXPORTS TO COUNTRIES SUPPORTING TERRORISM.

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App 2405(j)) is amended to read as follows:

"(j) COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(1) A validated license shall be required for the export of goods or technology to a country if the Secretary of State has made the following determinations:

"(A) The government of such country has repeatedly provided support for acts of international terrorism.

"(B) The export of such goods or technology could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

"(2) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any validated license required by paragraph (1).

Federal Register, publication.

"(3) Each determination of the Secretary of State under paragraph (1)(A), including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

President of U.S. Reports.

"(4) A determination made by the Secretary of State under paragraph (1)(A) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate—

"(A) before the proposed rescission would take effect, a report certifying that—

"(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

"(ii) that government is not supporting acts of international terrorism; and

"(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

"(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

"(i) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

"(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.".

SEC. 5. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Export-Import Bank Act of 1945 to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

Federal Register, publication.

"(b) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (a), including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

President of U.S. Reports.

"(c) RESCISSION.—A determination made by the Secretary of State under subsection (a) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(1) before the proposed rescission would take effect, a report certifying that—

"(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

"(B) that government is not supporting acts of international terrorism; and

"(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

"(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

"(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

"(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

President of U.S.

"(d) WAIVER.—Assistance prohibited by subsection (a) may be provided to a country described in that subsection if—

"(1) the President determines that national security interests or humanitarian reasons justify a waiver of subsection (a), except that humanitarian reasons may not be used to justify assistance under part II of this Act (including chapter 4, chapter 6, and chapter 8), or the Export-Import Bank Act of 1945; and

Reports.

"(2) at least 15 days before the waiver takes effect, the President consults with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate containing—

"(A) the name of the recipient country;

"(B) a description of the national security interests or humanitarian reasons which require the waiver;

"(C) the type and amount of and the justification for the assistance to be provided pursuant to the waiver; and

"(D) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance under the Foreign Assistance Act of 1961 which is also prohibited by section 40 of the Arms Export Control Act.".

SEC. 6. DESIGNATION OF ITEMS ON THE MUNITIONS LIST.

Section 38 of the Arms Export Control Act (22 U.S.C. 2278) is amended by adding at the end the following: 22 USC 2778.

"(h) The designation by the President (or by an official to whom the President's functions under subsection (a) have been duly delegated), in regulations issued under this section, of items as defense articles or defense services for purposes of this section shall not be subject to judicial review.".

SEC. 7. QUARTERLY REPORTS ON THIRD COUNTRY TRANSFERS AND ON DOD TRANSFERS TO OTHER AGENCIES.

(a) QUARTERLY REPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (9) the following:

"(10) a listing of the consents to third-party transfers of defense articles or defense services which were granted, during the quarter for which such report is submitted, for purposes of section 3(a)(2) of this Act, the regulations issued under section 38 of this Act, or section 505(a)(1)(B) of the Foreign Assistance Act of 1961, if the value (in terms of original acquisition cost) of the defense articles or defense services to be transferred is $1,000,000 or more; and

"(11) a listing of all munitions items (as defined in section 40(l)(1)) which were sold, leased, or otherwise transferred by the Department of Defense to any other department, agency, or other entity of the United States Government during the quarter for which such report is submitted (including the name of the recipient Government entity and a discussion of what that entity will do with those munitions items) if—

"(A) the value of the munitions items was $250,000 or more; or

"(B) the value of all munitions items transferred to that Government department, agency, or other entity during that quarter was $250,000 or more;

excluding munitions items transferred (i) for disposition or use solely within the United States, or (ii) for use in connection with intelligence activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities).".

(b) CLASSIFICATION OF REPORTS.—That section is amended in the parenthetical clause in the text preceding paragraph (1) by inserting ", and any information provided under paragraph (11) of this subsection may also be provided in a classified addendum" after "(b)(1) of this section".

SEC. 8. SPECIAL AUTHORITIES.

The second sentence of section 614(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(c)) is amended to read as follows: "The President of U.S.

President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to the use of such funds.".

SEC. 9. HOSTAGE ACT.

Section 2001 of the Revised Statutes of the United States (22 U.S.C. 1732) is amended by inserting "and not otherwise prohibited by law" after "acts of war".

22 USC 2371 note.

SEC. 10. SELF-DEFENSE IN ACCORDANCE WITH INTERNATIONAL LAW.

The use by any government of armed force in the exercise of individual or collective self-defense in accordance with applicable international agreements and customary international law shall not be considered an act of international terrorism for purposes of the amendments made by this Act.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 91 (S. 347):

HOUSE REPORTS: No. 101-296 (Comm. on Foreign Affairs).
SENATE REPORTS: No. 101-173 accompanying S. 347 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
    Oct. 23, considered and passed House.
    Nov. 21, considered and passed Senate, amended. House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
    Dec. 12, Presidential statement.

Public Law 101-223
101st Congress

An Act

To authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, to provide for the implementation in the District of Columbia of a community-oriented policing system, and for other purposes.

Dec. 12, 1989
[H.R. 1502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of Columbia Police Authorization and Expansion Act of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL OFFICERS AND MEMBERS FOR THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

(a) In General.—Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end thereof the following new subsection:

"(c)(1) In addition to the amounts authorized to be appropriated under subsection (a) and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia, $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

"(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of 4,355 officers and members (and supplies, equipment, and protective vests for reserve officers of the Metropolitan Police Department).

"(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system (modeled after, though not limited to, such a system in Houston, Texas) to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate.

"(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate that the District of Columbia has implemented for such fiscal year a community-oriented policing system in the District of Columbia.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect October 1, 1989.

Reports.

SEC. 3. STUDY OF DISTRICT OF COLUMBIA COURT RESOURCES.

Not later than 60 days after the date of the enactment of this Act, the Joint Committee on Judicial Administration in the District of Columbia shall prepare and submit to Congress a report—

(1) analyzing resources available to District of Columbia courts;

(2) analyzing the feasibility of, and the costs associated with, an increase in the number of support personnel and judges assigned to District of Columbia courts; and

(3) evaluating the need for changes in the District of Columbia Pre-Trial Detention Act, the proposed felony sentencing guidelines for the District of Columbia Superior Court, and the social services program managed by and under the direction of the District of Columbia courts.

Drugs and drug abuse.

SEC. 4. REPORT ON EFFECTS OF INCREASED DISTRICT OF COLUMBIA LAW ENFORCEMENT EFFORTS ON CRIME IN METROPOLITAN AREA.

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report analyzing the potential effects of increased efforts to eliminate drug-related criminal activity in the District of Columbia on crime and law enforcement in the metropolitan area surrounding the District, including the effects of such efforts on the caseload of prosecuting attorneys (including United States Attorneys) in such area.

Records.

SEC. 5. DEVELOPMENT OF CLASSIFICATION SYSTEM FOR INDIVIDUALS CONVICTED OF CRIMES IN DISTRICT.

(a) Assistance From Bureau of Prisons and National Institute of Corrections.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall request the Director of the Bureau of Prisons and the Director of the National Institute of Corrections to provide the District of Columbia with technical assistance and training in the development of a criminal recordkeeping and classification system, which will provide a basis for a uniform strategy for managing and evaluating the processing in the District of Columbia's criminal justice system of individuals convicted of crimes in the District of Columbia.

Prisoners.

(b) Information Included in System Data Base.—The recordkeeping and classification system described in subsection (a) shall include a data base continuously updated to provide current information on the prison population of the District of Columbia, including, but not limited to, the following:

(1) Aggregate inmate profiles and classifications based on individual records and files.

(2) Escape and other risk assessments for individual inmates.

(3) Ongoing counts of the number of persons at various stages of processing in the criminal justice system.

(4) Projections for future prison populations.

SEC. 6. USE OF PROCEEDS OF FORFEITED PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) In General.—Section 502(d)(3)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33-552(d)(3)(B), D.C. Code) is amended by striking "shall be used to finance programs" and inserting "shall be used, and shall remain available until expended regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs".

(b) CLERICAL AMENDMENT.—Paragraphs (3) and (3a) of section 502(d) of the District of Columbia Uniform Controlled Substances Act of 1981 (sections 33-552(d) (3) and (3a), D.C. Code) are amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) redesignating paragraph (3a) as paragraph (3); and

(3) reordering the paragraphs so that paragraph (3), as redesignated, precedes paragraph (4), as redesignated.

SEC. 7. PARTICIPATION OF DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT IN THE NATIONAL CRIME INFORMATION SYSTEM.

(a) DISSEMINATION OF ADULT ARREST RECORDS TO LAW ENFORCEMENT AGENTS.—(1) Notwithstanding any other provision of law, the Metropolitan Police Department of the District of Columbia shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division of the Federal Bureau of Investigation. Such dissemination shall be done without cost and without the authorization of the persons to whom such records relate.

(2) Any records disseminated under this section shall be used in a manner that complies with applicable Federal law and regulations.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "member of the court" shall include judges, prosecutors, defense attorneys (with respect to the records of their client defendants), clerks of the court, and penal and probation officers;

(2) the term "law enforcement agent" shall include police officers and Federal agents having the power to arrest; and

(3) the term "unexpurgated adult arrest records" shall include arrest fingerprint cards.

SEC. 8. ESTABLISHMENT OF DISTRICT OF COLUMBIA POLICE CORPS PROGRAM.

Education.
Loans.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Mayor of the District of Columbia, in consultation with the Chief of the Metropolitan Police Department of the District of Columbia, shall establish a pilot program under which the District shall agree to assist not more than 25 eligible college students or graduates in paying loans or other financial obligations incurred in obtaining a baccalaureate or graduate degree if such a student or graduate agrees to serve not less than 4 years as a member of the Metropolitan Police Department.

(b) APPROVAL OF PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit a description of the program described in subsection (a), including any regulations proposed to implement such program, to the Committee on the District of Columbia of the United States House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on

Governmental Affairs of the United States Senate for the committees' approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Education.
Loans.

SEC. 9. ESTABLISHMENT OF WEST VIRGINIA POLICE CORPS PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Governor of West Virginia, in consultation with the West Virginia Superintendent of Police, shall establish a pilot program under which West Virginia shall agree to assist not more than 25 eligible college students or graduates in paying loans or other financial obligations incurred in obtaining a baccalaureate or graduate degree if such a student or graduate agrees to serve not less than 4 years as a law enforcement officer in West Virginia.

(b) APPROVAL OF PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Governor of West Virginia shall submit a description of the program described in subsection (a), including any regulations proposed to implement such program, to the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate for the subcommittee's approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 1502:

SENATE REPORTS: No. 101-123 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 135 (1989):
June 13, considered and passed House.
Sept. 14, considered and passed Senate, amended.
Nov. 2, House concurred in Senate amendment with amendments.
Nov. 20, Senate concurred in House amendments.

Public Law 101-224
101st Congress

An Act

To authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

Dec. 12, 1989
[H.R. 1668]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989".

SEC. 2. NATIONAL OCEAN SERVICE.

(a) Mapping, Charting, and Geodesy.—There are authorized to be appropriated to the Department of Commerce for carrying out mapping, charting, and geodesy activities of the National Oceanic and Atmospheric Administration (including geodetic data collection and analysis) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $47,694,000 for fiscal year 1990.

(b) Observations and Assessments.—There are authorized to be appropriated to the Department of Commerce for carrying out observation and assessment activities of the National Oceanic and Atmospheric Administration—

(1) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $28,533,000 for fiscal year 1990;

(2) under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.), not more than $4,000,000 for fiscal year 1990; and

(3) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), not more than $17,000,000 for fiscal year 1990.

(c) Ocean and Coastal Management.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and coastal management activities of the National Oceanic and Atmospheric Administration under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), and any other law involving those activities, not more than $57,752,000 for fiscal year 1990.

SEC. 3. OCEAN AND GREAT LAKES RESEARCH.

There are authorized to be appropriated to the Department of Commerce for carrying out ocean and Great Lakes research activities of the National Oceanic and Atmospheric Administration under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 833a et seq.), the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and any other law involving those activities, not more than $95,855,000 for fiscal year 1990.

SEC. 4. OYSTER DISEASE RESEARCH.

Pursuant to section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125), $3,000,000 may be appropriated for priority oyster disease research in fiscal year 1990.

SEC. 5. PROGRAM SUPPORT.

(a) Administration and Services.—There are authorized to be appropriated to the Department of Commerce for carrying out executive direction and administrative activities of the National Oceanic and Atmospheric Administration (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.), and any other law involving those activities, not more than $73,994,000 for fiscal year 1990.

(b) Facilities.—There are authorized to be appropriated to the Department of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration under any law involving those activities, not more than $4,082,000 for fiscal year 1990.

(c) Marine Services.—There are authorized to be appropriated to the Department of Commerce for carrying out marine services activities of the National Oceanic and Atmospheric Administration (including ship operations, maintenance, and support) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $59,910,000 for fiscal year 1990.

(d) Aircraft Services.—There are authorized to be appropriated to the Department of Commerce for carrying out aircraft services activities of the National Oceanic and Atmospheric Administration (including aircraft operations, maintenance, and support) under the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving those activities, not more than $8,446,000 for fiscal year 1990.

SEC. 6. REQUIREMENT OF NOTICE OF REPROGRAMMING.

The Secretary of Commerce shall not reprogram an amount appropriated under the authority of this Act unless, before carrying out that reprogramming, the Secretary provides notice of that reprogramming to the Committee on Commerce, Science, and

Transportation of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 7. INTERNATIONAL FISHERY AGREEMENT.

Japan.
16 USC 1821 note.

Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of Japan, as contained in the message to the Congress from the President of the United States dated October 30, 1989, is approved by the Congress and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 8. LOBSTER CONSERVATION.

Section 307(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) in subparagraph (H) by striking "or" at the end;

(2) in subparagraph (I) by striking the period at the end and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that—

"(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan, implemented under this title;

"(ii) is bearing eggs attached to its abdominal appendages; or

"(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages".

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 1465:

HOUSE REPORTS: No. 101-119, Pt. 1 (Comm. on Merchant Marine and Fisheries), Pt. 2 (Comm. on Public Works and Transportation), and Pt. 3 (Comm. on Science, Space, and Technology).
SENATE REPORTS: No. 101-187 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Sept. 6, considered and passed House.
Nov. 17, considered and passed Senate, amended.
Nov. 20, House concurred in Senate amendment.

Public Law 101-225
101st Congress

An Act

Dec. 12, 1989
[H.R. 2459]

To authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coast Guard Authorization Act of 1989.
Maritime affairs.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1989".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1990.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1990, as follows:

(1) OPERATION AND MAINTENANCE.—For the operation and maintenance of the Coast Guard, $2,319,300,000.

(2) ACQUISITION AND CONSTRUCTION.—For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment, $[illegible], of which up to $[illegible] shall be used to [illegible] the Coast Guard Cutter [illegible], and additional sums as may be necessary to carry out the Coast Guard icebreaker ship program and the Coast Guard patrol boat program, to remain available until expended.

(3) RESEARCH AND DEVELOPMENT.—For research, development, test, and evaluation, $23,300,000, to remain available until expended.

(4) RETIREMENT BENEFITS.—For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $420,300,000, to remain available until expended.

(5) ALTERATION OR REMOVAL OF BRIDGES.—For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $2,300,000.

SEC. 102. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1991.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1991, as follows:

(1) OPERATION AND MAINTENANCE.—For the operation and maintenance of the Coast Guard, $2,381,500,000.

(2) ACQUISITION AND CONSTRUCTION.—For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment, $501,800,000, to remain available until expended.

(3) RESEARCH AND DEVELOPMENT.—For research, development, test, and evaluation, $21,000,000, to remain available until expended.

(4) RETIREMENT BENEFITS.—For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $451,200,000, to remain available until expended.

(5) ALTERATION OR REMOVAL OF BRIDGES.—For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $7,500,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1990.

(a) ACTIVE DUTY PERSONNEL.—As of September 30, 1990, the Coast Guard is authorized an end-of-year strength for active duty personnel of 38,730. This authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) STUDENT LOADS.—For fiscal year 1990, the Coast Guard is authorized average military training student loads as follows:

(1) RECRUIT AND SPECIAL TRAINING.—For recruit and special training, 2,787 student years.

(2) FLIGHT TRAINING.—For flight training, 110 student years.

(3) PROFESSIONAL TRAINING.—For professional training in military and civilian institutions, 390 student years.

(4) OFFICER ACQUISITION.—For officer acquisition, 900 student years.

SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1991.

(a) ACTIVE DUTY PERSONNEL.—As of September 30, 1991, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,300. This authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) STUDENT LOADS.—For fiscal year 1991, the Coast Guard is authorized average military training student loads as follows:

(1) RECRUIT AND SPECIAL TRAINING.—For recruit and special training, 2,787 student years.

(2) FLIGHT TRAINING.—For flight training, 110 student years.

(3) PROFESSIONAL TRAINING.—For professional training in military and civilian institutions, 390 student years.

(4) OFFICER ACQUISITION.—For officer acquisition, 900 student years.

SEC. 104. MODIFICATION AND EXTENSION OF RULES OF ROAD ADVISORY COUNCIL AND EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

(a) RULES OF THE ROAD ADVISORY COUNCIL.—

(1) MODIFICATION AND EXTENSION.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended as follows:

(A) Subsection (a) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

(B) Subsection (b) is amended to read as follows:

"(b) The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to the prevention of collisions, rammings, and groundings, including the Inland Rules of the Road, the International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.".

Public information. Records.

(C) Subsection (d) is amended by striking "September 30, 1990" and inserting "September 30, 1995".

33 USC 2073 note.

(2) REFERENCES.—Each reference to the Rules of the Road Advisory Council in a law, regulation, order, document, record, or paper of the United States is deemed to be a reference to the Navigation Safety Advisory Council.

33 USC 1231a.

(b) TOWING SAFETY COMMITTEE.—Subsection (e) of the Act entitled "An Act to establish a Towing Safety Advisory Committee in the Department of Transportation", approved October 6, 1980 (33 U.S.C. 2131a(e)), is amended by striking "September 30, 1990" and inserting "September 30, 1995".

SEC. 106. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE APPOINTMENTS.

Section 4508 of title 46, United States Code, is amended by adding at the end of subsection (b)(2) the following: "The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee."

TITLE II—PROGRAMS

SEC. 201. TECHNICAL AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

The Act to Prevent Pollution from Ships (33 U.S.C. 1901-1912) is amended—

33 USC 1905.

(1) in section 6(c)(1), by striking "Annex V" and inserting "Annex I and Annex II";

33 USC 1907.

(2) in section 8(c)(1), by inserting "or of this Act" after "Convention"; and

(3) in section 8(e)(2), by inserting "or of this Act" after "MARPOL Protocol".

SEC. 202. TECHNICAL CORRECTIONS RELATING TO SAFEGUARDING MILITARY WHISTLEBLOWERS.

Section 1034 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by inserting "when the Coast Guard is not operating as a service in the Navy" immediately after "in the case of a member of the Coast Guard";

(2) in subsection (c)(5), by inserting "(or to the Secretary of Transportation in the case of a member of the Coast Guard

when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense";

(3) in subsection (c)(6), by inserting "(or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense"; and

(4) in the first sentence of subsection (e), by inserting "(except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "former member of the armed forces".

SEC. 203. MISCELLANEOUS PROVISIONS CONCERNING CONTINUITY OF GRADE, APPOINTMENT, AND RETIREMENT OF COAST GUARD PERSONNEL.

Title 14, United States Code, is amended—

(1) in section 52, by inserting "or admiral" immediately after "to another position as a vice admiral";

(2) in section 271(e), by inserting at the end of the first sentence, "except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant" immediately after "consent of the Senate";

(3) in section 289(c), by striking "no less than 75 percent" and inserting "no less than 50 percent";

(4) in section 736(c), by adding at the end of the following new sentence: "However, the Secretary may adjust the date of appointment—

"(1) if a delay in the finding required under section 734(a) of this title is beyond the control of the officer and the officer is otherwise qualified for promotion; or

"(2) for any other reason that equity requires."; and

(5) in section 741(a), by inserting "who have 18 years or more of service for retirement and are" after "in an active status" the third time it appears.

SEC. 204. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

14 USC 92 note.

Florida.
Schools and colleges.

(a) In General.—The Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the "Secretary") may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade County, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the "Academy").

(b) Program Requirements.—A pilot program carried out by the Secretary under this section—

(1) shall be known as the "Claude Pepper Junior Reserve Officers Training Program", and

(2) shall provide to students at the Academy—

(A) instruction in subject areas relating to operations of the Coast Guard; and

(B) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) Provision of Additional Support.—To carry out a pilot program under this section, the Secretary may provide to the Academy—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

(2) AUTHORIZED PAY.—(A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) The Secretary shall pay to the Academy an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

10 USC 2304 note.

SEC. 205. LIMITATIONS ON CONTRACTING OF COAST GUARD SERVICES.

Notwithstanding any other provision of law, an officer or employee of the United States may not enter into a contract for procurement of performance of any function being performed by Coast Guard personnel as of January 1, 1989, before—

(1) a study has been performed by the Secretary of Transportation under the Office of Management and Budget Circular A-76 with respect to that procurement;

(2) the Secretary of Transportation has performed a study, in addition to the study required by paragraph (1) of this subsection, to determine the impact of that procurement on the multimission capabilities of the Coast Guard; and

(3) copies of the studies required by paragraphs (1) and (2) of this subsection are submitted to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 206. LOCAL HIRE.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 666. Local hire

Contracts. Employment and unemployment.

"(a) Notwithstanding any other law, each contract awarded by the Coast Guard for construction or services to be performed in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of Transportation may waive the requirements of this subsection in the interest of national security or economic efficiency.

"(b) LOCAL RESIDENT DEFINED.—As used in this section, 'local resident' means a resident of, or an individual who commutes daily to, a State described in subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"666. Local hire.".

SEC. 207. REPORT ON CONTROL OF EXOTIC SPECIES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Congress a report on the options available to control the infestation of the waters of the United States, including the Great Lakes, by exotic species from the ballast water of vessels operating on the waters of the United States. In preparing this report, the Secretary shall consult with the Secretary of the Interior, the Secretary of Commerce, the Great Lakes Fishery Commission, and other appropriate parties.

(b) EXOTIC SPECIES DEFINED.—In this section "exotic species" means nonnative fish, mollusks, crustaceans, zooplankton, and other aquatic organisms, other than sea lampreys.

SEC. 208. LAW ENFORCEMENT SURVEILLANCE.

Reports.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall—

(1) submit a report to the Congress that identifies—

(A) the needs for outfitting existing Coast Guard aircraft with surveillance and reconnaissance equipment to assist in the conduct of law enforcement activities; and

(B) the cost of that equipment; and

(2) in cooperation with the Secretary of Defense, establish and submit to the Congress a plan for closing existing gaps in radar coverage along the coastline of the United States on the Gulf of Mexico and the coastline of the southeastern United States on the Atlantic Ocean.

SEC. 209. NUMBERING OF VESSELS.

Section 2101 of title 46, United States Code, is amended by inserting after paragraph (17) the following:

"(17a) 'numbered vessel' means a vessel for which a number has been issued under chapter 123 of this title.".

SEC. 210. CONSTRUCTIVE SEIZURE PROCEDURES.

Drugs and drug abuse.
21 USC 881 note.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Treasury, in order to avoid the devastating economic effects on innocent owners of seizures of their vessels, shall develop a procedure for constructive seizure of vessels of the United States engaged in commercial service as defined in section 2101 of title 46, United States Code, that are suspected of being used for committing violations of law involving personal use quantities of controlled substances.

SEC. 211. USER FEES REPORT CLARIFICATION.

Section 664(c) of title 14, United States Code, is amended as follows:

(1) in paragraph (1) by striking "collected stating—" and substituting "collected under any law stating—"; and

(2) in paragraph (2) by inserting "under any law" after "collected" the first time it appears.

10 USC 1552 note.

SEC. 212. BOARD FOR THE CORRECTION OF MILITARY RECORDS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall—

Regulations.

(1) amend part 52 of title 33, Code of Federal Regulations, governing the proceedings of the board established by the Secretary under section 1552 of title 10, United States Code, to ensure that a complete application for correction of military records is processed expeditiously and that final action on the application is taken within 10 months of its receipt; and

(2) appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with paragraph (1) of this subsection.

14 USC 92 note.

SEC. 213. CONSIDERATION OF MARITIME ADMINISTRATION VESSELS.

Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vessels are suitable for use by the Coast Guard.

SEC. 214. REQUIREMENT TO REPORT SEXUAL OFFENSES.

(a) In General.—Chapter 101 of title 46, United States Code is amended by:

(1) deleting section 10104; and

(2) adding the following new section:

"§ 10104. Requirement to report sexual offenses

"(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

"(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of not more than $5,000.".

(b) Clerical Amendment.—The analysis for chapter 101 of title 46, United States Code, is amended by striking, "10104. Regulations." and inserting "10104. Requirement to report sexual offenses.".

SEC. 215. LIMITATION ON VESSEL TRANSFER FROM GULFPORT, MISSISSIPPI.

The Secretary of Transportation shall not transfer the Coast Guard cutter ACUSHNET from Gulfport, Mississippi, until at least two Coast Guard patrol boats are based permanently in Gulfport.

SEC. 216. CONSIDERATION OF DEPARTMENT OF DEFENSE HOUSING FOR COAST GUARD.

10 USC 2687 note.

Notwithstanding any other provision of law, the Coast Guard is deemed to be an instrumentality within the Department of Defense for the purposes of section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687).

SEC. 217. PROHIBITION AGAINST REDUCTION IN SERVICES.

The Secretary of Transportation may not reduce expenditures in fiscal year 1990 or fiscal year 1991 for Coast Guard services other than drug law enforcement to increase drug law enforcement unless the Secretary first notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives 30 days prior to any reduction, except that nothing in this section shall be construed to reduce the Coast Guard's ability to respond to interdiction opportunities that may arise in the course of normal activities.

SEC. 218. COST OF SECURITY AT KENNEBUNKPORT, MAINE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

Reports.

(1) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives that identifies the costs incurred by the Coast Guard and any reallocation of assets or personnel that would have been used for search and rescue of law enforcement operations, as a result of providing security at Kennebunkport, Maine; and

(2) actively seek reimbursement of those costs from the Secretary of Treasury.

SEC. 219. VESSEL TRAFFIC SERVICE RESTORATION.

Louisiana.
New York.

The Secretary of the department in which the Coast Guard is operating shall reestablish a vessel traffic service on the Lower Mississippi River in New Orleans, and shall continue operation of the New York Harbor area and other existing vessel traffic service systems.

SEC. 220. SEARCH AND RESCUE SATELLITE SYSTEM.

(a)(1) The Secretary of Transportation shall take such action as may be necessary to upgrade the ground segment of the Search and Rescue Satellite Aided Tracking system (hereafter in this section referred to as "SARSAT").

(2) In carrying out this section, the Secretary of Transportation shall establish not less than 5 SARSAT ground stations for the purpose of providing adequate coverage of the United States area of search and rescue for which it has responsibility under the program known as "COSPAS-SARSAT". In establishing such stations, the Secretary, after consultation with the satellite search and rescue offices of the Coast Guard, the National Oceanic and Atmospheric Administration, the Air Force, the National Aeronautics and Space Administration, and the SARSAT Program Steering Group, shall locate the stations in the most optimum sites to assure complete coverage of the search and rescue areas for which the United States is responsible.

(b) The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall administer the SARSAT ground stations. Such administration shall be carried out in consultation with the Secretary of Transportation and the Secretary of Defense.

(c) For the purpose of carrying out the provisions of subsection (a) of this section, there is authorized to be appropriated $5,300,000. Moneys appropriated pursuant to this subsection shall remain available until expended.

Massachusetts.
Historic preservation.

SEC. 221. BOSTON LIGHT STATION.

(a) The Congress finds and declares the following:

(1) The Boston Light Station (hereafter in this section referred to as the "Boston Light") on Little Brewster Island, Boston Harbor, Massachusetts, is the Nation's oldest lighthouse station.

(2) The Boston Light is a National Historic Landmark and Little Brewster Island is listed in the National Register of Historic Places. As such, they should be administered and maintained in a way that preserves for public enjoyment and appreciation their special historic character.

(3) Continued manned operation of the Boston Light will preserve its special historic character. Any proposal to automate or modernize Boston Light must be consistent with the provisions of sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2).

(4) Efforts should be undertaken that will facilitate public access to, and enhance the public enjoyment and appreciation of, the Boston Light and Little Brewster Island.

(b) The Boston Light shall be operated on a permanently manned basis. The amounts authorized to be appropriated under sections 101 and 102 include funds—

(1) for maintenance of the keeper's house and of the Boston Lighthouse; and

(2) to enhance public access to the Boston Light and Little Brewster Island, including making pier improvements on the island.

(c) The Secretary of Transportation shall, in consultation with the Secretary of Interior, the Massachusetts Department of Environmental Management, the Massachusetts Historical Preservation Officer, appropriate local government entities, and private preservation groups, develop a strategy to implement policies regarding the ownership, maintenance, staffing, and use of the Boston Light. The strategy shall propose ways—

(1) to provide improved public access to the Boston Light and Little Brewster Island; and

(2) to ensure that the special historic character of the Boston Light will be preserved, with the continuing presence of Coast Guard personnel, so as to provide the best possible public enjoyment and appreciation.

SEC. 222. COAST GUARD ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM.

(a) Environmental Compliance and Restoration Program.—Title 14, United States Code, is amended by adding the following new chapter 19 after chapter 17:

"CHAPTER 19—ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

"Sec.
"690. Definitions.
"691. Environmental Compliance and Restoration Program.
"692. Environmental Compliance and Restoration Account.
"693. Annual Report to Congress.

"§ 690. Definitions

"For the purposes of this chapter—

"(1) 'environment', 'facility', 'person', 'release', 'removal', 'remedial', and 'response' have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

"(2) 'hazardous substance' has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given 'oil' in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

"(3) 'pollutant' has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

"§ 691. Environmental Compliance and Restoration Program

Hazardous materials.
Safety.
Public buildings and grounds.

"(a) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

"(b) Program goals include:

"(1) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

"(2) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

"(3) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

"(4) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

"(c)(1) The Secretary shall respond to releases of hazardous substances and pollutants—

"(A) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

"(B) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

"(C) on each vessel the Coast Guard owns or operates.

"(2) Paragraph (1) of this subsection does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

"(3) The Secretary shall pay a fee or charge imposed by a state authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This paragraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

"(d) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary's responsibilities under this chapter. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary's responsibilities under this chapter. Services that may be obtained under this subsection include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

Contracts.
Insurance.

"(e) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this chapter. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential, long-term liability.

"§ 692. Environmental Compliance and Restoration Account

"(a) There is established for the Coast Guard an account known as the Coast Guard Environmental Compliance and Restoration Account. All sums appropriated to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law shall be credited or transferred to the account and remain available until expended.

"(b) Funds may be obligated or expended from the account to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law.

"(c) In proposing the budget for any fiscal year under section 1105 of title 31, United States Code, the President shall set forth separately the amount requested for the Coast Guard's environmental compliance and restoration activities under this chapter or another law.

"(d) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary's response actions at current and former Coast Guard facilities shall be credited to the account.

"§ 693. Annual Report to Congress

"(a) The Secretary shall submit to Congress a report each fiscal year describing the progress the Secretary has made during the preceding fiscal year in implementing this chapter.

"(b) Each report shall include:

"(1) A statement for each facility or vessel for which the Secretary is responsible under section 691(c) of this title where a release of a hazardous substance or pollutant has been identified.

"(2) The status of response actions contemplated or undertaken at each facility.

"(3) The specific cost estimates and budgetary proposals for response actions contemplated or undertaken at each facility.

"(4) The total amount required to clean up contamination at all identified facilities.".

(b) TITLE ANALYSIS.—The title analysis at the beginning of part I of title 14, United States Code, is amended by adding after item 17:

"19. Coast Guard Environmental Compliance and Restoration Program........ 690".

(c) PRIOR AUTHORIZATION REQUIREMENT.—Section 662 of title 14, United States Code, is amended by adding the following new paragraph:

"(5) For environmental compliance and restoration at Coast Guard facilities.".

Rhode Island.
Real property.

SEC. 223. BLOCK ISLAND SOUTHEAST LIGHTHOUSE PRESERVATION.

(a) CONVEYANCE.—(1) The Secretary of the department in which the Coast Guard is operating may convey, by any appropriate means, all right, title and interest of the United States in the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation (hereafter referred to as the "Foundation") of the town of New Shoreham, Rhode Island.

(2) The purpose of this conveyance is to establish and maintain a nonprofit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the United States Coast Guard and Block Island's maritime history.

(3) The Secretary may not transfer the Block Island Southeast Lighthouse until the Foundation or the State of Rhode Island, acting on its behalf, requests from the Secretary that the transfer occur.

(b) TERMS AND CONDITIONS.—The conveyance shall be made—

(1) without payment of consideration;

(2) subject to the condition that if the property, or any part of the property, ceases to be used for the purpose of this section, title to all such property shall be deemed to have immediately reverted to the United States; and

(3) subject to such other terms and conditions as the Secretary of the department in which the Coast Guard is operating may impose.

(c) REQUIREMENTS.—The conveyance shall include provisions necessary to assure that—

(1) the light, antennae, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States;

(2) the Foundation will not interfere or allow interference in any manner with navigational aids without written permission of the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any navigational aids, or make any changes on any portion of the property as may be necessary for navigation purposes;

(4) the United States shall have the right, at any time, to enter the property without notice to maintain navigational aids; and

(5) the United States shall have an easement for access to the property to maintain navigational aids.

(d) PROPERTY DESCRIPTION.—The Secretary of the department in which the Coast Guard is operating shall identify, describe, and determine the property to be conveyed under this section.

(e) DEFINITION.—For purposes of this section, "Block Island Southeast Lighthouse" means the lighthouse and attached keeper's dwelling, several ancillary buildings, a fog signal, and land (but not less than nine acres) necessary to carry out the purposes of this section located in the town of New Shoreham, Rhode Island.

(f) STRATEGY.—The Secretary of Transportation shall within six months of the date of enactment, in consultation with the Secretary of the Interior, appropriate state, local, and other governmental entities, and private preservation groups, develop a strategy regarding the ownership, maintenance, operation, and use of the Block Island Southeast Lighthouse that will preserve the special historic character of the Lighthouse and ensure public access. Any proposal must be consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), other applicable law, and efforts to interpret and preserve the material culture of the United States Coast Guard and Block Island's maritime history.

TITLE III—MISCELLANEOUS

SEC. 301. DOCUMENTATION OF VESSELS.

(a) TECHNICAL AMENDMENTS.—Chapter 121 of title 46, United States Code, is amended as follows:

(1) Section 12101(b) is amended—

(A) in paragraph (1), by striking "registry as" and inserting "registry endorsement as";

(B) in paragraph (2), by striking "coastwise license" and inserting "coastwise endorsement";

(C) in paragraph (3), by striking "Great Lakes license" and inserting "Great Lakes endorsement";

(D) by repealing paragraph (4); and

(E) by redesignating paragraph (5) as paragraph (4).

(2) Section 12102 is amended—

(A) in the matter preceding paragraph (1) of subsection (a)—

(i) by inserting "that is" before "not", and

(ii) by inserting "or is not titled in a State" after "foreign country";

(B) by striking "(b)(1)" and inserting "(c)(1)";

(C) in subsection (c)(1) (as redesignated by subparagraph (B)), by striking "fishery license" and inserting "fishery endorsement"; and

(D) by repealing subsection (c).

(3) Section 12103 is amended—

(A) in subsection (a), by striking "of one of the types" and inserting "endorsed with one or more of the endorsements"; and

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(b)(1)"; and

(ii) by adding at the end the following new paragraph:

"(2) The Secretary shall require each person applying to document a vessel to provide—

"(A) the person's social security number; or

"(B) for a person other than an individual—

"(i) the person's taxpayer identification number; or

"(ii) if the person does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the person and who signs the application for documentation for the vessels.".

(4) Section 12104(2) is amended by striking "vessel license," and inserting "endorsement,".

(5) Section 12105 is amended—

(A) by amending subsection (a) to read as follows:

"(a) A certificate of documentation may be endorsed with a registry endorsement.";

(B) in subsection (b), by inserting "endorsement" after "registry";

(C) by repealing subsections (c) and (d); and

(D) in the catchline, by inserting "endorsements" after "Registry".

(6) Section 12106 is amended—

(A) in subsection (a), by striking "A coastwise license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and inserting "A certificate of documentation may be endorsed with a coastwise endorsement";

(B) in subsection (b), by striking "coastwise license or an appropriately endorsed registry" and inserting "certificate of documentation with a coastwise endorsement";

(C) in subsection (c), by striking "license" and inserting "endorsement";

(D) by repealing subsection (d); and

(E) in the catchline, by striking "licenses and registry" and inserting "endorsements".

(7) Section 12107 is amended—

(A) in subsection (a), by striking "A Great Lakes license, or as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and inserting "A certificate of documentation may be endorsed with a Great Lakes endorsement";

(B) by amending subsection (b) to read as follows:

Canada.
Commerce and trade.

"(b) Subject to the laws of the United States regulating trade with Canada, only a vessel for which a certificate of documentation with a Great Lakes endorsement is issued may be employed on the Great Lakes and their tributary and connecting waters in trade with Canada.";

(C) by repealing subsection (c); and

(D) in the catchline, by striking "licenses and registry" and inserting "endorsements".

(8) Section 12108 is amended—

Fish and fishing.

(A) in subsection (a), by striking "A fishery license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and inserting "A certificate of documentation may be endorsed with a fishery endorsement";

(B) in subsection (a)(1), by striking "and";

(C) in subsection (b), by striking "fishery license or an appropriately endorsed registry" and inserting "certificate of documentation with a fishery endorsement";

(D) in subsection (C), by striking "license" and inserting "endorsement";

(E) by repealing subsection (d); and

(F) in the catchline, by striking "licenses and registry" and inserting "endorsements".

(9) Section 12109 is amended—

Recreation.

(A) by striking subsection (a) and inserting the following:

"(a) A certificate of documentation with a recreational endorsement may be issued for a vessel that is eligible for documentation.";

(B) in subsection (b)—

(i) by striking "licensed recreational vessel" and inserting "documented vessel with a recreational endorsement"; and

(ii) by striking "Such" and inserting "A recreational":

(C) by adding at the end the following new subsection:

Recreation.

"(c) A documented vessel operating under a recreational endorsement may be operated only for pleasure."; and

(D) in the catchline, by striking "vessel licenses" and inserting "endorsements".

(10) Section 12110 is amended—

(A) by amending subsection (a) to read as follows:

"(a) A vessel may not be employed in a trade except a trade covered by the endorsement issued for that vessel."; and

(B) in subsection (c)—

(i) by striking "certificate of documentation" and inserting "endorsement",

(ii) by striking "recreational vessel" and inserting "vessel with a recreational endorsement", and

(iii) by striking "except" and inserting "other than".

(11) Section 12112 is amended—

(A) in subsection (a), by striking "an appropriate document" and inserting "a certificate of documentation with an appropriate endorsement"; and

(B) in subsection (b), by striking "an appropriate" and inserting "a".

(12) The table of sections at the beginning of chapter 121 is amended by striking the entries for sections 12105 through 12109 and inserting the following:

"12105. Registry endorsements.
"12106. Coastwise endorsements.
"12107. Great Lakes endorsements.
"12108. Fishery endorsements.
"12109. Recreational endorsements.".

46 USC 12111 note.

(b) DOCUMENTATION SURRENDER AND INVALIDATION.—Section 12111(c)(3) of title 46, United States Code, does not apply to a mortgage that—

(1) was filed or recorded before January 1, 1989; and

(2) was not a preferred mortgage (as that term is defined in section 31301(6) of that title) on that date.

SEC. 302. VESSEL IDENTIFICATION SYSTEMS.

Chapter 125 of title 46, United States Code, is amended as follows:

(1) Section 12501(b)(2) is amended to read as follows:

"(2) identifying the owner of the vessel, including—

"(A) the owner's social security number; or

"(B) for an owner other than an individual—

"(i) the owner's taxpayer identification number; or

"(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;".

(2) Section 12503(a)(2) is amended to read as follows:

"(2) identifies the owner of the vessel, including by—

"(A) the owner's social security number; or

"(B) for an owner other than an individual—

"(i) the owner's taxpayer identification number; or

"(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;".

(3) Section 12504 is amended by striking "Secretary, the Secretary of Transportation—" and inserting "Secretary of Transportation, the Secretary—".

SEC. 303. COMMERCIAL INSTRUMENTS AND MARITIME LIENS.

Chapter 313 of title 46, United States Code, is amended as follows:

(1) Section 31306 is amended—

(A) in subsection (a), by striking "When" and inserting "Except as provided by the Secretary of Transportation, when" and by striking "of Transportation"; and

(B) in subsection (c), by striking "An" and inserting "Except as provided by the Secretary, an".

(2) Section 31321(c) is amended—

(A) by striking "that has not yet been documented," and inserting "for which an application for documentation is filed,"; and

(B) by striking "party whose name and address is stated on" and inserting "interested party to";

(3) Section 31322 is amended—

(A) by amending subsection (a)(2) to read as follows:

Fish and fishing. Recreation.

"(2) Paragraph (1)(D) of this subsection does not apply to—

"(A) a documented vessel that has a fisheries endorsement or a recreational endorsement, or both endorsements; or

"(B) a vessel for which an application for documentation with a fisheries endorsement or a recreational endorsement, or both endorsements, has been filed.";

(B) in subsection (d)(1), by striking "representing financing of a vessel under State law that is made under applicable State law" and inserting "granting a security interest perfected under State law"; and

(C) in subsection (e) (1) and (2) by striking "the validity of the preferred mortgage" each place that phrase appears and inserting "the status of the preferred mortgage".

(4) Section 31325 is amended by amending subsections (b) and (c) to read as follows:

"(b) On default of any term of the preferred mortgage, the mortgage may—

"(1) enforce the perferred mortgage lien in a civil action in rem for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel; and

Claims.

"(2) enforce a claim for the outstanding indebtedness secured by the mortgaged vessel in—

"(A) a civil action in personam in admiralty against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

"(B) a civil action against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

Courts, U.S.

"(c) The district courts have original jurisdiction of a civil action brought under subsection (b) (1) or (2) of this section. However, for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel, this jurisdiction is exclusive of the courts of the States for a civil action brought under subsection (b)(1) of this section."

(5) Section 31341(a)(3) is amended by striking "mangement" and inserting "management".

(6) Section 31342 is amended—

(A) by striking "A person providing necessaries to a vessel (except a public vessel) on the order of a person listed in section 31341 of this title" and inserting "(a) Except as provided in subsection (b) of this section, a person providing necessaries to a vessel on the order of the owner"; and

(B) by adding the following new subsection (b) at the end:

"(b) This section does not apply to a public vessel.".

SEC. 304. AMENDMENTS TO THE SHIPPING ACT, 1916.

(a) Exemption From Requirement of Approval by Secretary.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), is amended in subsection (c)(1) by inserting "or the last documentation of which was under the laws of the United States" before the semicolon at the end;

(2) in subsection (c)(2) by inserting ", or a vessel the last documentation of which was under the laws of the United States," after "a documented vessel";

(3) in subsection (d) (1) and (2), by striking "or control in" and inserting "in or control of"; and

(4) adding the following new paragraph:

"(4) A person that charters, sells, transfers, or mortgages a vessel, or an interest in or control of a vessel, in violation of this section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.".

(b) Remission of Forfeiture.—Section 38 of the Shipping Act, 1916 (46 App. U.S.C. 836) is amended by striking "duties." and inserting "duties, except that forfeitures may be remitted without seizure of the vessel.".

SEC. 305. CIVIL PENALTY PROCEDURES.

Chapter 3 of title 49, United States Code, is amended—

(1) by adding at the end of subchapter II the following new section:

"§ 336. Civil penalty procedures

"(a) After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

"(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(d) The Secretary may refund or remit a civil penalty collected under this section if—

"(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

"(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed."; and

(2) in the table of sections, by adding at the end the following:

"336. Civil penalty procedures.".

SEC. 306. EXEMPTION OF CERTAIN FISHING INDUSTRY FROM INSPECTION REQUIREMENTS.

Section 403(a) of Public Law 98-364 is amended by striking "1990" in the first sentence and inserting "1991".

46 USC 3302 note.

SEC. 307. LAWS REPEALED.

The following laws are repealed:

(1) Section 4172 of the Revised Statutes of the United States (46 App. U.S.C. 41).

(2) Section 8 of Public Law 96-376 (46 App. U.S.C. 382b-1).

(3) Section 9(a) of the Shipping Act, 1916 (46 App. U.S.C. 808(a)).

(4) Sections 15 and 34 of the Merchant Marine Act, 1920.

41 Stat. 993, 1007.

(5) Section 701 of the Merchant Marine Act, 1928 (46 App. U.S.C. 891s).

(6) Section 6 of the Act of June 16, 1933 (46 App. U.S.C. 891y).

(7) Sections 201(b), 201(g), 510(h), 612, 804(c)(2), 805(e), 806(a), 807, 1106, 1107, and 1109 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1111(b), 1111(g), 1160(h), 1182, 1222(c)(2), 1223(e), 1224, 1225, 1276, 1279, and 1279b).

(8) Section 402 of the Act of October 8, 1940 (46 App. U.S.C. 1155a).

(9) Section 101 of the Act of June 25, 1958 (46 App. U.S.C. 1242-1).

(10) Sections 3(b) and 9 of the Act of December 13, 1977 (46 App. U.S.C. 1502(b) and 1508).

(11) Sections 20(a), 21, and 22 of the Shipping Act of 1984 (46 App. U.S.C. 1720).

(12) Sections 3(b)–(f), 4, 5(a), (b), and (d), 6, 7, 8(a)–(c), 10, 11(b), 12(b)–(e), and 13 of the Act of March 8, 1946 (50 App. U.S.C. 1736(b)–(f), 1737, 1738(a), (b), and (d), 1739, 1740, 1741(a)–(c), 1743, 1744(b), 1745(b)–(f), and 1746).

(13) Section 2 of the Act of June 29, 1949 (50 App. U.S.C. 1738a).

(14) The Act of September 21, 1959 (50 App. U.S.C. 1745a).

(15) Sections 1–5 of the Act of March 21, 1945 (50 App. U.S.C. 1721–1725).

(16) The Act of August 20, 1954 (50 App. U.S.C. 2391–2394).

(17) Section 4377 of the Revised Statutes of the United States (46 App. U.S.C. 325).

SEC. 308. COASTWISE DOCUMENTATION AND OPERATION.

(a) DOCUMENTATION.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation endorsed with a coastwise endorsement for each of the following vessels:

(1) Camelot (United States official number 536408);
(2) Crili (United States official number 656976);
(3) Da Warrior (Hawaiian Registration number HA 161 CP);
(4) Harbor Exec (United States official number 563895);
(5) Jamal (United States official number 611165);
(6) Karlissa (United States official number 950453);
(7) Lazy Jack (Maine Registration number ME9395G);
(8) Magnum Force (United States official number 287968);
(9) Terangi No. 2 (United States official number 572048);
(10) ¾ Time (United States official number 907962); and
(11) Winddancer (United States official number 955031).

(b) OPERATION.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the submersible vessel PC-1501 may engage in the coastwise trade.

46 USC 12101 note.

SEC. 309. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

State and local governments.

(1) The amendments made by section 1(a)(2) take effect January 1, 1989, except that the amendment made by subparagraph (A) of such section does not apply to a vessel titled in a State until one year after the Secretary of Transportation prescribes guidelines for a titling system under section 13106(b)(8) of title 46, United States Code.

(2) The amendments made by section 1(a)(3) take effect on the 180th day after the date of the enactment of this Act.

SEC. 310. SUBSTITUTION OF VESSEL.

46 USC 12108 note.

Section 4(c)(2) of 101 Stat. 1780 is amended by adding after "1987" the following: ", except that an alternative vessel of no greater tonnage than the vessel in the application may be substituted, if that substitution is made by the original applicant".

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 2459 (S. 1512):

HOUSE REPORTS: No. 101-227 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 101-182 accompanying S. 1512 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 7, considered and passed House.
Nov. 17, considered and passed Senate, amended, in lieu of S. 1512.
Nov. 20, House concurred in Senate amendment with an amendment.
Nov. 21, Senate concurred in House amendment with an amendment. House concurred in Senate amendment.

Public Law 101-226
101st Congress

An Act

Dec. 12, 1989
[H.R. 3614]

To amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention program in elementary and secondary schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug-Free Schools and Communities Act Amendments of 1989.
20 USC 2701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Schools and Communities Act Amendments of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 5111(a) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3181(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting after "part C" the following: "and section 5136"; and

(ii) by striking "and $20,000,000" and all that follows and inserting the following: "$20,000,000 for the fiscal year 1990, and $35,000,000 for each of the fiscal years 1991, 1992, and 1993."; and

(B) in subparagraph (B), by striking "$230,000,000" and inserting "$215,000,000"; and

(2) by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for purposes of carrying out section 5136 $25,000,000 for each of the fiscal years 1991, 1992, and 1993.".

SEC. 3. RESERVATIONS AND STATE ALLOTMENTS.

Section 5112 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3182) is amended—

(1) in subsection (a), by striking "From" and inserting "Except as provided in subsection (c)";

(2) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end the following new subsections:

"(c) DISTRIBUTION OF APPROPRIATIONS.—Except for funds provided for any fiscal year for part C of this title and sections 5136 and 5137, and for fiscal year 1991 for section 5146, the Secretary shall distribute any amounts appropriated or otherwise made available to carry out this title for any fiscal year in the following manner:

"(1) In any year in which the total of such amounts is not more than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the Secretary shall distribute such total amount as provided in subsections (a) and (b).

"(2) In any year in which the total of such amounts is greater than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the amount in excess of the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989 shall be distributed as follows:

"(A) Such amount as is necessary to carry out the reservations under paragraphs (1), (2), and (3) of subsection (a);

"(B)(i) Except as provided in clause (ii), not more than $14,700,000 to be allocated to the chief executive officer of each State, in an amount which bears the same ratio to such amount as the school-age population of the State bears to the school-age population of all States.

"(ii) For fiscal year 1990, in addition to amounts made available under clause (i), $25,000,000 shall be available for distribution to the chief executive officer of each State in an amount which bears the same ratio to such additional amount as the school-age population of the State bears to the school-age population of all States. Funds available under this clause shall be used to carry out section 5136.

"(C) Subject to subparagraph (D), of the remainder—

"(i) 50 percent of such remainder shall be distributed to the States under subsection (b); and

"(ii) 50 percent of such remainder shall be distributed to the States on the basis of the amounts received by each State under part A of title I of chapter 1 for the preceding fiscal year.

"(D) Under subparagraph (C), no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

"(d) DEFINITION.—For the purposes of this section, the term 'State' means any of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 4. USE OF ALLOTMENTS BY STATES.

Section 5121 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3191) is amended by adding at the end the following new subsection:

Grants.

"(c) USE OF ADDITIONAL AMOUNTS.—Any amounts received by a State under section 5112(c)(2)(C) shall be used by the State educational agency to make grants to local educational agencies for purposes of carrying out programs in accordance with section 5125. The State educational agency shall distribute any such amounts among the local educational agencies within the State on the basis of the amounts received by each such local educational agency under part A of title I of chapter 1 for the preceding fiscal year.".

SEC. 5. STATE PROGRAMS.

Section 5122 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192) is amended—

(1) in subsection (a) by striking "local governments" and all that follows through "organizations" and inserting "parent groups, community action agencies, community-based organizations, and other public entities and private nonprofit entities";

(2) in subsection (a)—

(A) in paragraph (6) by striking "and" at the end thereof;

(B) in paragraph (7) by striking the period at the end thereof and inserting "; and"; and

(C) by adding at the end of such subsection the following new paragraph:

"(8) to promote, establish, and maintain drug-free school zones for schools within the State.".

Grants.
Contracts.
Children and youth.

(3) in subsection (b) by striking the second sentence of paragraph (1) and inserting the following: "The chief executive officer shall make grants to or enter into contracts with public entities or private nonprofit entities for purposes of providing community-based programs of coordinated services that are designed for high-risk youths, including programs that use strategies to improve skills of such youths such as vocational and educational counseling and job skills training, giving priority to assisting community action agencies, community-based organizations, parent groups, and other entities which are representative of communities or significant segments of communities and which have the capability to provide such services. The chief executive officer shall also make grants to private nonprofit organizations to develop new strategies to communicate anti-drug abuse messages to youths.";

(4) in subsection (b)(2)—

(A) in subparagraph (I) by striking "or";

(B) in subparagraph (J) by striking the period and inserting "; and"; and

(C) by adding after subparagraph (J) the following new subparagraph:

"(K) is a juvenile in a detention facility within the State.".

(5) by adding at the end thereof the following new subsection:

"(d) Drug Testing Programs.—For each fiscal year, amounts made available to the chief executive officer of a State by section 5121(a) may be used for nondiscriminatory random drug testing programs for students voluntarily participating in athletic activities only in schools which voluntarily choose to participate in such a program. Nothing in this subsection shall prescribe or prohibit the use of drug testing programs.".

SEC. 6. STATE APPLICATIONS.

Subsection (b) of section 5123 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3193) is amended—

(1) in paragraph (7), by inserting before the semicolon the following: ", and judicial officials";

(2) by striking "and" at the end of paragraph (10);

(3) by striking the period at the end of paragraph (11) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(12) include a plan for providing innovative programs of drug abuse education for juveniles in detention facilities within the State as required by section 5122(b)(1)(A).".

SEC. 7. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

Section 5124 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3194) is amended—

(1) by amending subsection (a) to read as follows:

"(a) Grants to Local and Intermediate Educational Agencies.—(1) Each State educational agency shall use a sum which shall not be less than 90 percent of the amounts available under section 5121(b) for each fiscal year for grants to local educational agencies, intermediate educational agencies, and consortia in the State, in accordance with applications approved under section 5126.

"(2) From the sum described in paragraph (1), the State educational agency shall distribute funds for use among local educational agencies, intermediate educational agencies, and consortia in the State on the basis of the relative enrollments in public schools and private nonprofit schools served by such agencies and consortia.

"(3)(A) Not later than July 1 of each year, the State educational agency shall inform each local educational agency, intermediate educational agency, and consortium in the State of the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121. If a local educational agency or a consortium of local educational agencies chooses not to apply to receive the amount allocated to such agency under this subsection, the State educational agency—

"(i) shall distribute such amount to the intermediate educational agency serving such local educational agency or consortium; or

"(ii) may, if it is able to facilitate the arrangement of a consortium among local educational agencies in the State that choose not to apply to receive the amounts allocated to such agencies under this subsection, distribute such amount to such consortium.

"(B) The State educational agency shall distribute to a local educational agency, intermediate educational agency, or consortium the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121 upon the approval of an application for such agency under section 5126.

"(4)(A) Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this subsection receives its allocation under this subsection—

"(i) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(ii) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(B) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

"(i) an amount equal to not more than 25 percent of the allocation it receives under this subsection for such fiscal year; or

"(ii) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency,"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting after "materials" the following: "that clearly and consistently teach that illicit drug use is harmful"; and

(B) in paragraph (5), by striking "2.5 percent" and all that follows and inserting "5 percent of the amounts available under subsections (b) and (c) of section 5121.".

SEC. 8. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

Section 5125 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3195) is amended in subsection (a)—

(1) in paragraph (2), by inserting before the semicolon the following: ", which—

"(A) should, to the extent practicable, employ counselors whose sole duty is to provide drug abuse prevention counseling to students;

"(B) may include the use of drug-free older students as positive role models and instruction relating to—

"(i) self-esteem;

"(ii) drugs and drug addiction;

"(iii) decisionmaking and risk-taking;

"(iv) stress management techniques; and

"(v) assertiveness;

"(C) may bring law enforcement officers into the classroom to provide antidrug information and positive alternatives to drug use, including decisionmaking and assertiveness skills; and

"(D) in the case of a local educational agency that determines it has served all students in all grades, such local educational agency may target additional funds to particularly vulnerable age groups, especially those in grades 4 through 9";

(2) in paragraph (4)—

(A) by inserting "and intervention" after "drug abuse prevention"; and

(B) by striking the semicolon at the end and inserting the following:

", which may include—

"(A) the employment of counselors, social workers, psychologists, or nurses who are trained to provide drug abuse prevention and intervention counseling; or

"(B) the provision of services through a contract with a private nonprofit organization that employs individuals who are trained to provide such counseling;";

(3) in paragraph (8), by striking "educational personnel" and inserting "school personnel"; and

(4) in paragraph (11) by striking "and" at the end thereof;

(5) by redesignating paragraph (12) as paragraph (13); and

(6) by adding after paragraph (11) the following new paragraph:

"(12) model alternative schools for youth with drug problems that address the special needs of such students through education and counseling; and".

SEC. 9. LOCAL APPLICATIONS.

Section 5126 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3196) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the period the following: "before the expiration of the 120-day period beginning on the date that the State educational agency notifies the local educational agency, intermediate educational agency, or consortium of the amount allocated to such agency or consortium under section 5124(a)."; and

(B) in paragraph (2)—

(i) in subparagraph (H), by inserting before the semicolon the following: "and with appropriate community-based organizations";

(ii) by striking "and" at the end of subparagraph (L);

(iii) by redesignating subparagraph (M) as subparagraph (R); and

(iv) by inserting after subparagraph (L) the following new subparagraphs:

"(M) describe how the applicant will ensure that the schools will be an important part of a community-wide effort to achieve a drug-free population;

"(N) describe how, to the extent practicable, assistance provided under this title will be used to provide trained counselors, social workers, psychologists, and nurses to carry out drug abuse prevention and intervention activities in addition to any individuals so employed by the applicant on the date of the enactment of the Drug-Free Schools and Communities Act Amendments of 1989;

"(O) provide assurances that the applicant will maintain and make available for distribution a list of local resources for substance abuse counseling and treatment;

"(P) provide assurances that the applicant has reviewed curricula that it intends to use and that such curricula will meet the needs of the schools served by the applicant;

"(Q) describe the training that will be provided for teachers and other personnel who are involved in the implementation of programs to be carried out by the applicant under this part; and"; and

(2) by amending paragraph (1) of subsection (b) to read as follows:

Reports.

"(1) Each applicant shall annually submit to the State educational agency a progress report on the implementation of its plan. The progress report shall include—

"(A) the applicant's significant accomplishments under the plan during the preceding year;

"(B) the extent to which the original objectives of the plan are being achieved;

"(C) a discussion of the method used by the applicant to evaluate the effectiveness of its drug education program carried out under its plan; and

"(D) the results of the evaluation described in subparagraph (C).".

SEC. 10. REPORTS.

Subsection (a) of section 5127 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3197) is amended in paragraph (3)—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) an evaluation of the effectiveness of State and local drug and alcohol abuse education and prevention programs.".

SEC. 11. TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL.

(a) Amendment to Part Heading.—The heading for part C of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198 et seq.) is amended to read as follows:

"PART C—TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL".

20 USC 3201.

(b) PROGRAM AND ALLOCATIONS.—Subsection (b) of section 5128 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198) is amended by striking "educational personnel" in the first sentence and inserting "school personnel".

SEC. 12. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 5131 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211) is amended—

(1) in paragraph (4) of subsection (a), by striking "subsection (d)" and inserting "subsection (c)";

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) by striking subsection (e).

20 USC 3211 note.

(b) TRANSITION PROVISION.—Any amounts appropriated for the fiscal year 1990 and for any subsequent fiscal year for the purpose of making training grants under section 5131(b) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211) as such section existed on the day before the date of the enactment of this Act shall be used by the Secretary of Education for the purpose of making grants under section 5128 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198).

SEC. 13. FEDERAL ACTIVITIES.

Subsection (b) of section 5132 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3212) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(6) use private nonprofit organizations to develop innovative strategies to communicate antidrug abuse messages to youths and to eliminate drug abuse from the communities of the Nation; and

"(7) as necessary, evaluate programs assisted under this title.".

SEC. 14. EMERGENCY GRANTS.

Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211 et seq.) is amended by adding at the end the following new section:

20 USC 3216.

"SEC. 5136 EMERGENCY GRANTS.

"(a) PROGRAM AUTHORIZED.—Except as provided under subsection (d), the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall make grants to eligible local educational agencies that demonstrate significant need for additional assistance for purposes of combating drug and alcohol abuse by students served by such agencies.

"(b) ELIGIBLE AGENCIES.—A local educational agency shall be eligible to receive a grant under this section if such agency—

"(1) receives assistance under section 1006 or meets the criteria of clauses (i) and (ii) of section 1006(a)(1)(A); and

"(2) serves an area—

"(A) in which there is a large number or a high percentage of—

"(i) arrests for, or while under the influence of, drugs or alcohol; or

"(ii) convictions of youths for drug or alcohol-related crimes;

"(B) in which there is a large number or high percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and

"(C) that has a significant drug and alcohol abuse problem, as indicated by other appropriate data.

"(c) AMOUNT OF GRANTS.—Each grant awarded under this section shall be in an amount that is not less than $100,000 and not more than $1,000,000.

"(d) FISCAL YEAR 1990.—For fiscal year 1990, funds available for the purposes of this section shall be allocated to the chief executive officer of each State for distribution through State educational agencies to local educational agencies.".

SEC. 15. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

20 USC 3217.

Part D of the Drug-Free Schools and Communities Act (20 U.S.C. 3211 et seq.) is amended by adding after section 5136 (as added by section 14) the following new section:

"SEC. 5137. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM FOR DRUG-FREE SCHOOL ZONES.—The Secretary of Education is authorized to establish a demonstration program to establish and maintain drug-free school zones. In carrying out the demonstration program under this section, the Secretary shall make grants to local educational agencies, intermediate educational agencies, and consortia.

Grants.

"(b) EVALUATIONS.—The Secretary shall evaluate programs under this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out the purposes of this section. Funds appropriated under this section are authorized to remain available until expended.".

SEC. 16. DEFINITIONS.

Section 5141 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221) is amended—

(1) in paragraph (1), by inserting before the period the following: ", including anabolic steroids";

(2) in paragraph (2), by inserting before the period the following: ", including anabolic steroids"; and

(3) by adding at the end the following new paragraph:

"(10) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.".

SEC. 17. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE NONPROFIT ELEMENTARY AND SECONDARY SCHOOLS.

Subsection (c) of section 5143 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3233) is amended—

20 USC 3223.

(1) by striking "WAIVER;";

(2) by inserting after "SECRETARY" the following: "AND STATE EDUCATIONAL AGENCIES";

(3) by inserting "(1)" before "If by reason"; and

(4) by adding at the end the following new paragraph:

"(2) If a State educational agency determines that a local educational agency, intermediate educational agency, or consortium, as appropriate, is failing to provide for the equitable participation of children or teachers from private nonprofit elementary or secondary schools in accordance with subsection (a) or (b), the State educational agency shall waive the requirements of such subsection with respect to such local educational agency, intermediate educational agency, or consortium and make appropriate arrangements for the equitable participation of such children or teachers.".

SEC. 18. NATIONAL DIFFUSION NETWORK.

Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221 et seq.) is amended by adding at the end the following new section:

20 USC 3224b.

"SEC. 5116. DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.

"(a) DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary, through the National Diffusion Network established under section 1562, shall disseminate information and technical assistance with respect to drug abuse education and prevention programs of demonstrated effectiveness.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 1991.".

SEC. 19. DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS.

(a) AMENDMENT TO PART HEADING.—The heading for part F of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3227) is amended to read as follows:

"PART F—DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS".

(b) PROGRAM AUTHORIZED.—Subsection (a) of section 5151 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3227) is amended—

(1) by striking "and such other" and inserting "such other"; and

(2) by inserting before the period the following: ", and to parents of children participating in such programs".

SEC. 20. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT.

Section 541(b) of the Higher Education Act of 1965 (20 U.S.C. 1109(b)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) developing skills and techniques for administering drug prevention and education programs.".

SEC. 21. EMERGENCY GRANTS FOR CHILD ABUSE PREVENTION SERVICES FOR CHILDREN WHOSE PARENTS ARE SUBSTANCE ABUSERS.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126), is amended by adding after section 107 the following new section:

"SEC. 107A. EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANT.

42 USC 5106a-1.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to eligible entities to enable such entities to provide services to children whose parents are substance abusers.

"(b) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section shall be—

"(1) State and local agencies that are responsible for administering child abuse or related child abuse intervention services; and

"(2) community and mental health agencies and nonprofit youth-serving organizations with experience in providing child abuse prevention services.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCE OF USE.—An application submitted under paragraph (1) shall—

"(A) contain an assurance that the applicant operates in a geographic area where child abuse has placed substantial strains on State and local agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section;

"(B) identify the responsible agency or agencies that will be involved in the use of funds provided under this section;

"(C) contain a description of emergency situations with regard to children of substance abusers who need services of the type described in this section;

"(D) contain a plan for improving the delivery of such services to such children;

"(E) contain assurances that such services will be provided in a comprehensive multi-disciplinary and coordinated manner; and

"(F) contain any additional information as the Secretary may reasonably require.

"(d) USE OF FUNDS.—Funds received by an entity under this section shall be used to improve the delivery of services to children whose parents are substance abusers. Such services may include—

"(1) the hiring of additional personnel by the entity to reduce caseloads;

"(2) the provision of additional training for personnel to improve their ability to provide emergency child abuse prevention services related to substance abuse by the parents of such children;

"(3) the provision of expanded services to deal with family crises created by substance abuse; and

"(4) the establishment or improvement of coordination between the agency administering the grant, and—

"(A) child advocates;

"(B) public educational institutions;

"(C) community-based organizations that serve substance abusing parents, including pregnant and post-partum females and their infants; and

"(D) parents and representatives of parent groups and related agencies.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 1990, and such sums as may be necessary for each of the subsequent fiscal years 1991, 1992, and 1993.".

SEC. 22. DRUG-FREE SCHOOLS AND CAMPUSES.

(a) IN GENERAL.—

(1) CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM.—Title XII of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end a new section 1213 to read as follows:

"DRUG AND ALCOHOL ABUSE PREVENTION

20 USC 1145g. "SEC. 1213. (a) Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless it certifies to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes—

"(1) the annual distribution to each student and employee of—

"(A) standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

"(B) a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

"(C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

"(D) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

"(E) a clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1)(A); and

"(2) a biennial review by the institution of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

"(b) Each institution of higher education that provides the certification required by subsection (a) shall, upon request, make available to the Secretary and to the public a copy of each item required by subsection (a)(1) as well as the results of the biennial review required by subsection (a)(2). Public information.

"(c)(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for— Regulations.

"(A) the periodic review of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(E) may include the completion of an appropriate rehabilitation program.

"(d) Upon determination by the Secretary to terminate financial assistance to any institution of higher education under this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the institution concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.".

(2) Effective date.—(A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on October 1, 1990. 20 USC 1145g note.

(B) The Secretary of Education may allow any institution of higher education until not later than April 1, 1991, to comply with section 1213 of the Higher Education Act of 1965 (as added by paragraph (1)) if such institution demonstrates—

(i) that it is in the process of developing and implementing its plan under such section; and

(ii) it has a legitimate need for more time to develop and implement such plan.

(b) Amendments to Drug-Free Schools and Communities Act of 1986.—

(1) In general.—Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3171 et seq.) is amended by adding after section 5144 the following new section:

"SEC. 5145. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

20 USC 3224a.

"(a) In General.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) DISSEMINATION OF INFORMATION.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) CERTIFICATION TO SECRETARY.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

Public information.

"(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.".

(2) CONFORMING AMENDMENTS.—Paragraph (2) of section 5126(e) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3196(c)) (as amended by section 9 of this Act) is amended—

(A) by striking subparagraphs (E), (F), and (G); and

(B) by redesignating subparagraphs (H) through (R) as subparagraphs (E) through (O), respectively.

(3) EFFECTIVE DATE.—(A) Except as provided in subparagraph (B), the amendments made by paragraphs (1) and (2) shall take effect on October 1, 1990. 20 USC 3224a note.

(B) The Secretary of Education may allow any local educational agency until not later than April 1, 1991, to comply with section 5145 of the Drug-Free Schools and Communities Act of 1986 (as added by paragraph (1)) if such agency demonstrates—

(i) that it is in the process of developing and implementing its plan under such section; and

(ii) it has a legitimate need for more time to develop and implement such plan.

SEC. 23. BEFORE AND AFTER SCHOOL PROGRAMS FOR UNSUPERVISED CHILDREN.

Section 3521(d) of the National Narcotics Leadership Act of 1988 is amended by— 42 USC 11841.

(1) redesignating paragraph (8) as paragraph (9);

(2) striking "and" at the end of paragraph (7); and

(3) inserting after paragraph (7) the following new paragraph:

"(8) programs for unsupervised children before and after school, including—

"(A) education and instruction consistent with the Drug-Free Schools and Communities Act of 1986;

"(B) athletic activities;

"(C) creative activities; and

"(D) other programs designed to reduce the risk of drug abuse; and".

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 3614:

HOUSE REPORTS: No. 101-384 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  Nov. 13, considered and passed House.
  Nov. 15, considered and passed Senate, amended.
  Nov. 21, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
  Dec. 12, Presidential statement.

Public Law 101-227
101st Congress

An Act

Extending the authority of the Secretary of Commerce to conduct the quarterly financial report program under section 91 of title 13, United States Code, through September 30, 1993.

Dec. 12, 1989
[H.R. 3629]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(b) of Public Law 97-454 (13 U.S.C. 91 note) is amended by striking "7 years after such effective date." and inserting "after September 30, 1993.".

SEC. 2. PARTIAL DEFERRED PAYMENT OF LUMP-SUM CREDIT FOR CERTAIN INDIVIDUALS ELECTING ALTERNATIVE FORMS OF ANNUITIES.

5 USC 8343a note.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (c), any lump-sum credit payable to an employee or Member pursuant to the election of an alternative form of annuity by such employee or Member under section 8343a or section 8420a of title 5, United States Code, shall be paid in accordance with the schedule under subsection (b) (instead of the schedule which would otherwise apply), if the commencement date of the annuity payable to such employee or Member occurs after December 2, 1989, and before October 1, 1990.

(b) SCHEDULE OF PAYMENTS.—The schedule of payment of any lump-sum credit subject to this section is as follows:

(1) 50 percent of the lump-sum credit shall be payable on the date on which, but for the enactment of this section, the full amount of the lump-sum credit would otherwise be payable.

(2) The remainder of the lump-sum credit shall be payable on the date which occurs 12 months after the date described in paragraph (1).

An amount payable in accordance with paragraph (2) shall be payable with interest, computed using the rate under section 8334(e)(3) of title 5, United States Code.

Regulations.

(c) EXCEPTIONS.—The Office of Personnel Management shall prescribe regulations to provide that, unless the individual involved indicates otherwise by written notice to the Office (submitted at such time and in such manner as the regulations may require), this section shall not apply—

(1) in the case of any individual who is separated from Government service involuntarily, other than for cause on charges of misconduct or delinquency; and

(2) in the case of any individual as to whom the application of this section would be against equity and good conscience, due to a life-threatening affliction or other critical medical condition affecting such individual.

(d) ANNUITY BENEFITS NOT AFFECTED.—Nothing in this section shall affect the commencement date, the amount, or any other aspect of any annuity benefits payable under section 8343a or section 8420a of title 5, United States Code.

(e) DEFINITIONS.—For purposes of this section, the terms "lump-sum credit", "employee", and "Member" each has the meaning given such term by section 8331 or section 8401 of title 5, United States Code, as appropriate.

SEC. 3. AMENDMENTS RELATING TO LIMITATIONS ON POSTAL SERVICE'S BORROWING AUTHORITY.

(a) IN GENERAL.—Section 2005(a) of title 39, United States Code, is amended—

(1) by striking "(a)" and inserting "(a)(1)";

(2) by striking "$10,000,000,000." and inserting "the maximum amount then allowable under paragraph (2) of this subsection.";

(3) by striking "$1,500,000,000" and inserting "$2,000,000,000";

(4) by striking "$500,000,000" and inserting "$1,000,000,000"; and

(5) by adding at the end the following:

"(2) The maximum amount allowable under this paragraph is—

"(A) $10,000,000,000 for fiscal year 1990;

"(B) $12,500,000,000 for fiscal year 1991; and

"(C) $15,000,000,000 for fiscal year 1992 and each fiscal year thereafter.".

39 USC 2005 note.

(b) EFFECTIVE DATE.—(1) Subject to the provisions of paragraph (2), the amendments made by subsection (a) shall take effect on October 1, 1990.

(2) Notwithstanding any other provision of this section, the amendments made by subsection (a) shall not take effect, if no law to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990 is enacted before October 1, 1990.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 3629:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 13, considered and passed House.
Nov. 21, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 101-228
101st Congress

Joint Resolution

Providing for the convening of the second session of the One Hundred First Congress.

Dec. 12, 1989
[H.J. Res. 449]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred First Congress shall begin at 12 o'clock meridian on Tuesday, January 23, 1990.

SEC. 2. Prior to the convening of the second regular session of the One Hundred First Congress on January 23, 1990, as provided in section 1 of this resolution, Congress shall reassemble at 12 o'clock meridian on the second day after its Members are notified in accordance with section 3 of this resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

President of U.S.
Budget, Federal.

SEC. 4. Notwithstanding the provisions of section 1105 of title 31, United States Code, the President shall transmit to the Congress not later than January 22, 1990, the Budget for fiscal year 1991.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.J. Res. 449:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 21, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Dec. 12, Presidential statement.

Public Law 101-229
101st Congress

An Act

Dec. 13, 1989
[H.R. 1727]

To modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Everglades National Park Protection and Expansion Act of 1989.
Florida.
16 USC 410r-5 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Everglades National Park Protection and Expansion Act of 1989".

TITLE I—EVERGLADES NATIONAL PARK EXPANSION

16 USC 410r-5.

SEC. 101. FINDINGS, PURPOSES AND DEFINITION OF TERMS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Everglades National Park is a nationally and internationally significant resource and the park has been adversely affected and continues to be adversely affected by external factors which have altered the ecosystem including the natural hydrologic conditions within the park.

(2) The existing boundary of Everglades National Park excludes the contiguous lands and waters of the Northeast Shark River Slough that are vital to long-term protection of the park and restoration of natural hydrologic conditions within the park.

(3) Wildlife resources and their associated habitats have been adversely impacted by the alteration of natural hydrologic conditions within the park, which has contributed to an overall decline in fishery resources and a 90 percent population loss of wading birds.

(4) Incorporation of the Northeast Shark River Slough and the East Everglades within the park will limit further losses suffered by the park due to habitat destruction outside the present park boundaries and will preserve valuable ecological resources for use and enjoyment by future generations.

(5) The State of Florida and certain of its political subdivisions or agencies have indicated a willingness to transfer approximately 35,000 acres of lands under their jurisdiction to the park in order to protect lands and water within the park, and may so transfer additional lands in the future.

(6) The State of Florida has proposed a joint Federal-State effort to protect Everglades National Park through the acquisition of additional lands.

(b) PURPOSE.—The purposes of this Act are to—

(1) increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore

the ecological values, natural hydrologic conditions, and public enjoyment of such area by adding the area commonly known as the Northeast Shark River Slough and the East Everglades to Everglades National Park; and

(2) assure that the park is managed in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

(c) DEFINITIONS.—As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "addition" means the approximately 107,600 acre area of the East Everglades area authorized to be added to Everglades National Park by this Act.

(3) The term "park" means the area encompassing the existing boundary of Everglades National Park and the addition area described in paragraph (2).

(4) The term "project" means the Central and Southern Florida Project.

SEC. 102. BOUNDARY MODIFICATION.

16 USC 410r-6.

(a) AREA INCLUDED.—The park boundary is hereby modified to include approximately 107,600 acres as generally depicted on the map entitled "Boundary Map, Everglades National Park Addition, Dade County, Florida", numbered 160-20,013B and dated September 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public information.

(b) BOUNDARY ADJUSTMENT.—The Secretary may from time to time make minor revisions in the boundaries of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following). In exercising the boundary adjustment authority the Secretary shall ensure all actions will enhance resource preservation and shall not result in a net loss of acreage from the park.

(c) ACQUISITION.—(1) Within the boundaries of the addition described in subsection (a), the Secretary may acquire lands and interests in land by donation, purchase with donated or appropriated funds, or exchange. For purposes of acquiring property by exchange, the Secretary may, notwithstanding any other provision of law, exchange the approximately one acre of Federal land known as "Gilberts' Marina" for non-Federal land of equal value located within the boundaries of the addition. Any lands or interests in land which are owned by the State of Florida or any political subdivision thereof, may be acquired only by donation.

(2) It is the express intent of Congress that acquisition within the boundaries of the addition shall be completed not later than 5 years after the date of enactment of this section. The authority provided by this section shall remain in effect until all acquisition is completed.

Termination date.

(d) ACQUISITION OF TRACTS PARTIALLY OUTSIDE BOUNDARIES.—When any tract of land is only partly within boundaries referred to in subsection (a), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377).

(e) Offers To Sell.—In exercising the authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by any person owning property within the boundaries of the addition to sell such property, if such owner notifies the Secretary that the continued ownership of such property is causing, or would result in undue hardship.

(f) Authorization of Appropriations.—(1) Subject to the provisions of paragraph (2), there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(2) With respect to land acquisition within the addition, not more than 80 percent of the cost of such acquisition may be provided by the Federal Government. Not less than 20 percent of such cost shall be provided by the State of Florida.

(g) Assistance.—Upon the request of the Governor of the State of Florida, the Secretary is authorized to provide technical assistance and personnel to assist in the acquisition of lands and waters within the Kissimmee River/Lake Okeechobee/Everglades Hydrologic Basin, including the Big Cypress Swamp, through the provision of Federal land acquisition personnel, practices, and procedures. The State of Florida shall reimburse the Secretary for such assistance in such amounts and at such time as agreed upon by the Secretary and the State. Notwithstanding any other provision of law, reimbursement received by the Secretary for such assistance shall be retained by the Secretary and shall be available without further appropriation for purposes of carrying out any authorized activity of the Secretary within the boundaries of the park.

16 USC 410r-7.

SEC. 103. ADMINISTRATION.

(a) In General.—The Secretary shall administer the areas within the addition in accordance with this Act and other provisions of law applicable to the Everglades National Park, and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4). In order to further preserve and protect Everglades National Park, the Secretary shall utilize such other statutory authority as may be available to him for the preservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act.

(b) Protection of Ecosystem.—The Secretary shall manage the park in order to maintain the natural abundance, diversity, and ecological integrity of native plants and animals, as well as the behavior of native animals, as a part of their ecosystem.

Boating.

(c) Protection of Flora and Fauna.—The park shall be closed to the operation of airboats—

(1) except as provided in subsection (d); and

(2) except that within a limited capacity and on designated routes within the addition, owners of record of registered airboats in use within the addition as of January 1, 1989, shall be issued nontransferable, nonrenewable permits, for their individual lifetimes, to operate personnally-owned airboats for noncommercial use in accordance with rules prescribed by the Secretary to determine ownership and registration, establish

uses, permit conditions, and penalties, and to protect the biological resources of the area.

(d) CONCESSION CONTRACTS.—The Secretary is authorized to negotiate and enter into concession contracts with the owners of commercial airboat and tour facilities in existence on or before January 1, 1989, located within the addition for the provision of such services at their current locations under such rules and conditions as he may deem necessary for the accommodation of visitors and protection of biological resources of the area.

Marjory Stoneman Douglas.

(e) VISITOR CENTER.—The Secretary is authorized and directed to expedite the construction of the visitor center facility at Everglades City, Florida, as described in the Development Concept Plan, Gulf Coast, dated February 1989, and upon construction shall designate the visitor center facility as "The Marjory Stoneman Douglas Center" in commemoration of the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and Everglades National Park.

16 USC 410r-8.

SEC. 104. MODIFICATION OF CERTAIN WATER PROJECTS.

(a) IMPROVED WATER DELIVERIES.—(1) Upon completion of a final report by the Chief of the Army Corps of Engineers, the Secretary of the Army, in consultation with the Secretary, is authorized and directed to construct modifications to the Central and Southern Florida Project to improve water deliveries into the park and shall, to the extent practicable, take steps to restore the natural hydrological conditions within the park.

(2) Such modifications shall be based upon the findings of the Secretary's experimental program authorized in section 1302 of the 1984 Supplemental Appropriations Act (97 Stat. 1292) and generally as set forth in a General Design Memorandum to be prepared by the Jacksonville District entitled "Modified Water Deliveries to Everglades National Park". The Draft of such Memorandum and the Final Memorandum, as prepared by the Jacksonville District, shall be submitted as promptly as practicable to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives.

(3) Construction of project modifications authorized in this subsection and flood protection systems authorized in subsections (c) and (d) are justified by the environmental benefits to be derived by the Everglades ecosystem in general and by the park in particular and shall not require further economic justification.

(4) Nothing in this section shall be construed to limit the operation of project facilities to achieve their design objectives, as set forth in the Congressional authorization and any modifications thereof.

Agriculture and agricultural commodities.

(b) DETERMINATION OF ADVERSE EFFECT.—(1) Upon completion of the Final Memorandum referred to in subsection (a), the Secretary of the Army, in consultation with the South Florida Water Management District, shall make a determination as to whether the residential area within the East Everglades known as the "Eight and One-Half Square Mile Area" or adjacent agricultural areas, all as generally depicted on the map referred to in subsection 102(a), will be adversely affected by project modifications authorized in subsection (a).

(2) In determining whether adjacent agricultural areas will be adversely affected, the Secretary of the Army shall consider the impact of any flood protection system proposed to be implemented pursuant to subsection (c) on such agricultural areas.

(c) FLOOD PROTECTION; EIGHT AND ONE-HALF SQUARE MILE AREA.—If the Secretary of the Army makes a determination pursuant to subsection (b) that the "Eight and One-Half Square Mile Area" will be adversely affected, the Secretary of the Army is authorized and directed to construct a flood protection system for that portion of presently developed land within such area.

(d) FLOOD PROTECTION; ADJACENT AGRICULTURAL AREA.—(1) If the Secretary of the Army determines pursuant to subsection (b) that an adjacent agricultural area will be adversely affected, the Secretary of the Army is authorized and directed to construct a flood protection system for such area. Such determination shall be based on a finding by the Secretary of the Army that:

(A) the adverse effect will be attributable solely to a project modification authorized in subsection (a) or to a flood protection system implemented pursuant to subsection (c), or both; and

(B) such modification or flood protection system will result in a substantial reduction in the economic utility of such area based on its present agricultural use.

(2) No project modification authorized in subsection (a) which the Secretary of the Army determines will cause an adverse effect pursuant to subsection (b) shall be made operational until the Secretary of the Army has implemented measures to prevent such adverse effect on the adjacent agricultural area: *Provided*, That the Secretary of the Army or the South Florida Water Management District may operate the modification to the extent that the Secretary of the Army determines that such operation will not adversely affect the adjacent agricultural area: *Provided further*, That any preventive measure shall be implemented in a manner that presents the least prospect of harm to the natural resources of the park.

(3) Any flood protection system implemented by the Secretary of the Army pursuant to this subsection shall be required only to provide for flood protection for present agricultural uses within such adjacent agricultural area.

(4) The acquisition of land authorized in section 102 shall not be considered a project modification.

Agriculture and agricultural commodities.

(e) PERIODIC REVIEW.—(1) Not later than 18 months after the completion of the project modifications authorized in subsection (a), and periodically thereafter, the Secretary of the Army shall review the determination of adverse effect for adjacent agricultural areas.

(2) In conducting such review, the Secretary of the Army shall consult with all affected parties, including, but not limited to, the Secretary, the South Florida Water Management District and agricultural users within adjacent agricultural areas.

(3) If, on the basis of such review, the Secretary of the Army determines that an adjacent agricultural area has been, or will be adversely affected, the Secretary of the Army is authorized and directed, in accordance with the provisions of subsection (d), to construct a flood protection system for such area: *Provided*, That the provisions of subsection (d)(2) shall be applicable only to the extent that the Secretary, in consultation with the Secretary of the Army, determines that the park will not be adversely affected.

(4) The provisions of this subsection shall only be applicable if the Secretary of the Army has previously made a determination that such adjacent agricultural area will not be adversely affected.

(f) CURRENT CANAL OPERATING LEVELS.—Nothing in this section shall be construed to require or prohibit the Secretary of the Army or the South Florida Water Management District from maintaining the water level within any project canal below the maximum authorized operating level as of the date of enactment of this Act.

(g) NO LIMITATION ON OTHER CLAIMS.—If the Secretary of the Army makes a determination of no adverse effect pursuant to subsection (b), such determination shall not be considered as a limitation or prohibition against any available legal remedy which may otherwise be available.

(h) COORDINATION.—The Secretary and the Secretary of the Army shall coordinate the construction program authorized under this section and the land acquisition program authorized in section 102 in such a manner as will permit both to proceed concurrently and as will avoid unreasonable interference with property interests prior to the acquisition of such interests by the Secretary under section 102.

(i) WEST DADE WELLFIELD.—No Federal license, permit, approval, right-of-way or assistance shall be granted or issued with respect to the West Dade Wellfield (to be located in the Bird Drive Drainage Basin, as identified in the Comprehensive Development Master Plan for Dade County, Florida) until the Secretary, the Governor of the State of Florida, the South Florida Water Management District and Dade County, Florida enter into an agreement providing that the South Florida Water Management District's water use permit for the wellfield, if granted, must include the following limiting conditions: (1) the wellfield's peak pumpage rate shall not exceed 140,000,000 gallons per day; (2) the permit shall include reasonable, enforceable measures to limit demand on the wellfield in times of water shortage; and (3) if, during times of water shortage, the District fails to limit demand on the wellfield pursuant to (2), or if the District limits demand on the wellfield pursuant to (2), but the Secretary certifies that operation of the wellfield is still causing significant adverse impacts on the resources of the Park, the Governor shall require the South Florida Water Management District to take necessary actions to alleviate the adverse impact, including, but not limited to, temporary reductions in the pumpage from the wellfield.

(j) PROTECTION OF NATURAL VALUES.—The Secretary of the Army is directed in analysis, design and engineering associated with the development of a general design memorandum for works and operations in the "C-111 basin" area of the East Everglades, to take all measures which are feasible and consistent with the purposes of the project to protect natural values associated with Everglades National Park. Upon completion of a general design memorandum for the area, the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives on the status of the natural resources of the C-111 basin and functionally related lands.

Reports.

TITLE II—FORT JEFFERSON NATIONAL MONUMENT REDESIGNATION STUDY

SEC. 201. FORT JEFFERSON NATIONAL MONUMENT REDESIGNATION STUDY.

The Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, not later than 2 years after the date of enactment of this Act, a feasibility and suitability study of expanding and redesignating Fort Jefferson National Monument in the Dry Tortugas as Fort Jefferson National Park. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as alternatives, including a joint Federal and State management scheme, to further protect the waters, reef tracts, fisheries, and shallow banks in and around the Florida Keys and Fort Jefferson National Monument.

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 1727 (S. 724):

HOUSE REPORTS: No. 101-182, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 101-168 accompanying S. 724 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 7, considered and passed House.
Nov. 21, considered and passed Senate, amended, in lieu of S. 724. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Dec. 13, Presidential statement.

Public Law 101-230
101st Congress

An Act

To designate lock and dam numbered 4 on the Arkansas River, Arkansas, as the "Emmett Sanders Lock and Dam".

Dec. 13, 1989
[H.R. 2178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam".

SEC. 2. LEGAL REFERENCE.

A reference in any law, regulation, document, or record of the United States to the lock and dam referred to in section 1 shall hereafter be deemed to be a reference to the "Emmett Sanders Lock and Dam".

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 2178:

CONGRESSIONAL RECORD, Vol. 135 (1989):
May 11, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 101-231
101st Congress

An Act

Dec. 13, 1989
[H.R. 3611]

To combat international narcotics production and trafficking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Narcotics Control Act of 1989.
Law enforcement and crime.
22 USC 2151 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "International Narcotics Control Act of 1989".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Andean drug initiative.
Sec. 3. Military and law enforcement assistance for Bolivia, Colombia, and Peru.
Sec. 4. Acquisition by Special Defense Acquisition Fund of defense articles for narcotics control purposes.
Sec. 5. Excess defense articles for certain major illicit drug producing countries.
Sec. 6. Waiver of Brooke-Alexander amendment for major coca producing countries.
Sec. 7. Mexico.
Sec. 8. Nonapplicability of certification procedures to certain major drug-transit countries.
Sec. 9. Coordination of United States trade policy and narcotics control objectives.
Sec. 10. Debt-for-drugs exchanges.
Sec. 11. Multilateral antinarcotics strike force.
Sec. 12. Weapons transfers to international narcotics traffickers.
Sec. 13. Rewards for information concerning acts of international terrorism.
Sec. 14. Waiver of Bumpers Amendment.
Sec. 15. Participation in foreign police actions.
Sec. 16. Authorization of appropriations for international narcotics control assistance.
Sec. 17. Revisions of certain narcotics-related provisions of the Foreign Assistance Act.

SEC. 2. ANDEAN DRUG INITIATIVE.

(a) Findings Relating to Economic Assistance Needs.—The Congress finds that—

(1) it is crucial to international antidrug efforts that funds be made available for crop substitution programs and alternative employment opportunities to provide alternative sources of income for those individuals in major coca producing countries who are dependent on illicit drug production activities, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries; and

(2) the United States and other major donor countries (including European countries and Japan) should provide increased economic assistance, on an urgent basis, to those major coca producing countries which have taken concrete steps to attack illicit coca production, processing, and trafficking, by eradication, interdiction, or other methods which significantly reduce the flow of cocaine to the world market.

(b) Plan to Address Need for Assistance.—The Congress, therefore, urges the Director of National Drug Control Policy to submit to the Congress in February 1990, as part of the National Drug Control

Strategy report required by section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504), a plan which addresses the need outlined in subsection (a).

(c) ANDEAN SUMMIT.—The Congress urges the President in the strongest possible terms to include the following issues on the formal agenda of the meeting between the President and the heads of government of Bolivia, Colombia, and Peru, scheduled for early February 1990:

Bolivia.
Colombia.
Peru.

(1) Bilateral and multilateral antidrug efforts that make funds available for crop substitution programs and alternative employment opportunities in major coca producing countries, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries.

(2) Initiatives to improve and expand antidrug efforts in the Andean region, including through the use of United States international economic, commercial, and other policies.

(3) Prior bilateral discussions aimed at increasing multilateral economic development assistance from Japan, Canada, and Western European countries for antidrug efforts in the Andean region.

(4) Debt-for-drugs exchanges that forgive Andean bilateral debt held by the United States and other creditor countries in return for commitments by Andean governments to use the savings in debt service for antidrug programs, pursuant to agreements negotiated under section 481(h)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(B)) and other international agreements and initiatives.

(5) Bilateral and multilateral efforts to halt the transfer of arms, precursor chemicals, and sophisticated communications equipment and technology from legitimate sources to drug trafficking organizations.

(d) REPORT ON ANDEAN SUMMIT MEETING.—Not later than 30 days after the conclusion of the Andean summit meeting described in subsection (c), the President shall report to the Congress on the outcome of that meeting.

President of U.S.

(e) SUPPLEMENTAL BUDGET REQUESTS.—At the same time as he submits the report required by subsection (d), the President shall submit to the Congress such supplemental budget requests for fiscal years 1990 and 1991 as may be necessary to cover the United States share of the cost of additional economic assistance to implement an Andean antidrug strategy, including the commitments made at the Andean summit meeting described in subsection (c).

President of U.S.

SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU.

22 USC 2291 note.

(a) PURPOSES OF ASSISTANCE.—Assistance provided under this section shall be designed to—

(1) enhance the ability of the Government of Bolivia, the Government of Colombia, and the Government of Peru to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with those governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

President of U.S.

(b) MILITARY ASSISTANCE AND TRAINING.—Subject to the requirements of this section, the President is authorized to use the funds made available to carry out this section to provide defense articles, defense services, and international military education and training to Bolivia, Colombia, and Peru. Such assistance shall be provided under the authorities of section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the foreign military financing program) and chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following; relating to international military education and training). Such assistance is in addition to any other such assistance made available to those countries.

(c) LAW ENFORCEMENT TRAINING.—

(1) AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.—Subject to paragraph (2), up to $6,500,000 of the funds made available to carry out this section may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on law enforcement assistance)—

(A) to provide to law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement by the Government of Bolivia, the Government of Colombia, or the Government of Peru, education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(B) for the expenses of deploying, upon the request of the Government of Bolivia, the Government of Colombia, or the Government of Peru, Department of Defense mobile training teams in that country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(2) OFFSETTING REDUCTION.—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the purposes specified in subparagraph (A) or (B) of paragraph (1).

(d) EQUIPMENT FOR LAW ENFORCEMENT UNITS.—

(1) AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.—Subject to paragraph (2), up to $12,500,000 of the funds made available to carry out this section may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on law enforcement assistance), for the procurement of defense articles for use in narcotics control, eradication, and interdiction efforts by law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(2) OFFSETTING REDUCTION.—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the procurement of weapons or ammunition in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961.

(e) CONDITIONS OF ELIGIBILITY.—Assistance may be provided under this section to Bolivia, Colombia, or Peru only—

(1) so long as that country has a democratic government; and

(2) the law enforcement agencies of that country do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(f) NOTIFICATIONS TO CONGRESS.—Not less than 15 days before funds are obligated pursuant to this section, the President shall transmit to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) a written notification in accordance with the procedures applicable to reprogrammings under that section. Such notification shall specify—

President of U.S.

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) the law enforcement agencies or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(g) REPORTS ON HUMAN RIGHTS SITUATION.—Section 502B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(c); relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(h) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000,000 for fiscal year 1990 to carry out this section, which amount is authorized to be made available until expended.

SEC. 4. ACQUISITION BY SPECIAL DEFENSE ACQUISITION FUND OF DEFENSE ARTICLES FOR NARCOTICS CONTROL PURPOSES.

Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended by adding at the end the following:

"(4)(A) The Fund shall also be used to acquire defense articles that are particularly suited for use for narcotics control purposes and are appropriate to the needs of recipient countries, such as small boats, planes (including helicopters), and communications equipment.

"(B) Each report pursuant to section 53(a) shall designate the defense articles that have been acquired or are to be acquired pursuant to this paragraph and the defense articles acquired under this chapter that were transferred for use in narcotics control purposes.".

SEC. 5. EXCESS DEFENSE ARTICLES FOR CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 and following) is amended by adding at the end the following:

22 USC 2321k.

"SEC. 517. MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

"(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Subject to the limitations in this section, the President may transfer to a country—

"(1) which is a major illicit drug producing country (as defined in section 481(i)(2)) in Latin America and the Caribbean,

"(2) which has a democratic government, and

"(3) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1)),

such excess defense articles as may be necessary to carry out subsection (b).

"(b) PURPOSE.—Excess defense articles may be transferred under subsection (a) only for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3)).

"(c) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

"(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a). In accordance with section 4601 of the International Narcotics Control Act of 1988, the Secretary shall ensure that the transfer of excess defense articles under subsection (a) is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

"(e) DOLLAR LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a) in any fiscal year may not exceed $10,000,000.

"(f) CONDITIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(1) they are drawn from existing stocks of the Department of Defense;

"(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

"(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

"(g) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

"(h) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) does not apply with respect to transfers of excess defense articles under this section.

"(i) NOTIFICATION TO CONGRESS.—

"(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until 30 days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

"(A) a certification of the need for the transfer;

"(B) an assessment of the impact of the transfer on the military readiness of the United States; and

"(C) a statement of the value of the excess defense articles to be transferred.

"(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.".

SEC. 6. WAIVER OF BROOKE-ALEXANDER AMENDMENT FOR MAJOR COCA PRODUCING COUNTRIES.

During fiscal year 1990, section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) and section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, do not apply with respect to narcotics-related assistance for a country which is a major illicit drug producing country (as defined in section 481(i)(2) of the Foreign Assistance Act of 1961) because of its coca production.

SEC. 7. MEXICO.

(a) LIMITATION ON NARCOTICS CONTROL ASSISTANCE.—

(1) LIMITATION.—Except as provided in paragraph (2), not more than $15,000,000 of the amounts made available for fiscal year 1990 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance) may be made available for Mexico.

(2) PROCEDURE FOR ADDITIONAL ASSISTANCE.—Assistance in excess of the amount specified in paragraph (1) may be made available for Mexico only if the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) are notified at least 15 days in advance in accordance with the procedures applicable to reprogrammings under that section.

(b) SENATE POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.—

(1) FINDINGS.—The Senate finds that—

(A) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States antinarcotics activities in order to continue receiving various forms of United States foreign assistance;

Enrique Camarena. Victor Cortez.

(B) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(C) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(D) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(E) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(F) the United States continues to seek, with Mexican cooperation, hot pursuit and overflight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(G) there was sworn in a new president and Government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

Carlos Salinas de Gortari.

(H) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's antinarcotics activities;

Miguel Nazar Haro.

(I) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

Miguel Angel Felix-Gallardo.

(J) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(K) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

Carlos Robles. Joaquin Hernandez Galicia.

(L) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(2) SENATE POLICY.—It is the sense of the Senate that—

(A) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(B) Mexico should conclude the prosecution of the murders of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(C) Mexico should demonstrate its commitment to cooperating fully in antinarcotics activities by entering into negotiations with the United States on—

(i) joint overflight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(ii) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(iii) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(iv) United States requests for verification of eradication statistics, including ground verification; and

(D) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

SEC. 8. NONAPPLICABILITY OF CERTIFICATION PROCEDURES TO CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1990 if the President certifies to the Congress, during that fiscal year, that—

(1) subparagraph (C) of section 481(i)(5) of that Act, relating to money laundering, does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own—

(A) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(2)(B) of that Act) or a multilateral agreement which achieves the objectives of that section;

(B) in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States; and

(C) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.

SEC. 9. COORDINATION OF UNITED STATES TRADE POLICY AND NARCOTICS CONTROL OBJECTIVES.

(a) NEED FOR COORDINATION.—It is the sense of the Congress that United States trade policy should be coordinated with United States narcotics control objectives, particularly with respect to issues such as the International Coffee Agreement.

(b) PRESIDENTIAL REVIEW.—The Congress commends the President for reviewing whether the International Coffee Agreement negotiations should be resumed and whether the trade benefits provided in the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 and following) should be extended to the major coca producing countries of Latin America.

SEC. 10. DEBT-FOR-DRUGS EXCHANGES.

22 USC 2291 note.
Bolivia.
Colombia.
Peru.

(a) AUTHORITY.—The President may release Bolivia, Colombia, or Peru from its obligation to make payments to the United States Government of principal and interest on account of a loan made to that country under the Foreign Assistance Act of 1961 (22 U.S.C.

2151 and following; relating to foreign assistance programs) or credits extended for that country under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

President of U.S.
Bolivia.
Colombia.
Peru.

(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of section (a) with respect to that country.

(b) COORDINATION WITH MULTILATERAL DEBT RELIEF ACTIVITIES.—The authority provided in subsection (a) shall be exercised in coordination with multilateral debt relief activities.

(c) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1990.

SEC. 11. MULTILATERAL ANTINARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, in the past, indicated its support for a multilateral, regional approach to narcotics control efforts;

(2) a proposal to create a multilateral, international antinarcotics force for the Western Hemisphere, is a plan worthy of praise and strong United States support;

(3) the development of a greater capability to assist the governments of Latin America and the Caribbean, including the Caribbean Basin nations, is an essential component of efforts to interdict the flow of narcotics to the United States; and

(4) regional leadership in the promotion of a multilateral, paramilitary force to combat the drug cartels is welcomed and encouraged.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) the proposal for the promotion of a regional multilateral antinarcotics force for the Western Hemisphere should be endorsed; and

(2) the United States should work through the United Nations, the Organization of American States, and other multilateral organizations to determine the feasibility of such a force and should assist in the establishment of this force if it is found to be feasible.

SEC. 12. WEAPONS TRANSFERS TO INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) HALTING WEAPONS TRANSFERS TO NARCOTICS TRAFFICKERS.—The Congress urges the President to seek agreement by the relevant foreign countries, especially the member countries of the North Atlantic Treaty Organization and the member countries of the Warsaw Pact, to join with the United States in taking the necessary steps to halt transfers of weapons to narcotics traffickers in Latin America.

(b) COORDINATION OF UNITED STATES EFFORTS TO TRACK ILLEGAL ARMS TRANSFERS.—The Congress urges the President to improve the coordination of United States Government efforts—

(1) to track the flow of weapons illegally from the United States and other countries to international narcotics traffickers, and

(2) to prevent such illegal shipments from the United States.

(c) INTERPOL.—The Congress calls upon the President to direct the United States representative to INTERPOL to urge that organization to study the feasibility of creating an international database on the flow of those types of weapons that are being acquired illegally by international narcotics traffickers.

President of U.S.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the steps taken in accordance with this section.

SEC. 13. REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM.

(a) AMENDMENT.—Subject to subsection (b), section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

22 USC 2708 note.

(b) AVOIDING DUPLICATIVE AMENDMENTS.—If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is enacted before this Act, and that Act makes the same amendment as is described in subsection (a), then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect.

SEC. 14. WAIVER OF BUMPERS AMENDMENT.

(a) ASSISTANCE FOR CROP SUBSTITUTION ACTIVITIES.—During fiscal year 1990, the provisions described in subsection (b) do not apply with respect to assistance for crop substitution activities undertaken in furtherance of narcotics control objectives.

Agriculture and agricultural commodities.

(b) BUMPERS AMENDMENT.—The provisions made inapplicable by subsection (a) are any provisions of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that prohibit the use of funds made available to carry out part I of the Foreign Assistance Act of 1961 for activities in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

SEC. 15. PARTICIPATION IN FOREIGN POLICE ACTIONS.

Government organization and employees.

Section 481(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)) is amended to read as follows:

"(c) PARTICIPATION IN FOREIGN POLICE ACTIONS.—

"(1) PROHIBITION ON EFFECTING AN ARREST.—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

"(2) PARTICIPATION IN ARREST ACTIONS.—Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

"(3) EXCEPTION FOR EXIGENT, THREATENING CIRCUMSTANCES.—Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

"(4) EXCEPTION FOR MARITIME LAW ENFORCEMENT.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

"(5) INTERROGATIONS.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

"(6) EXCEPTION FOR STATUS OF FORCES ARRANGEMENTS.—This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.".

SEC. 16. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

22 USC 2291a.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292(a)(1)) is amended by striking out "$101,000,000 for fiscal year 1989" and inserting in lieu thereof "$115,000,000 for fiscal year 1990".

SEC. 17. REVISIONS OF CERTAIN NARCOTICS-RELATED PROVISIONS OF THE FOREIGN ASSISTANCE ACT.

(a) PLANS BY SIGNATORIES TO 1961 SINGLE CONVENTION.—Section 481(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)(1)) is amended by striking out the last sentence.

(b) QUARTERLY AND MID-YEAR REPORTS.—Section 481(b) of that Act (22 U.S.C. 2291(b)) is amended by striking out "(1)" and all that follows through "August" in paragraph (2) and inserting in lieu thereof "MID-YEAR REPORT.—Not later than September".

Environmental protection.

(c) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of that Act (22 U.S.C. 2291(d)) is amended to read as follows:

"(d) USE OF HERBICIDES FOR AERIAL ERADICATION.—

President of U.S.

"(1) MONITORING.—The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

"(2) NOTICE TO HHS AND EPA.—The Secretary of State shall inform the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency of the use or intended use by any country or international organization of any herbicide for aerial eradication in a program receiving assistance under this chapter.

President of U.S.

"(3) ANNUAL REPORTS.—In the annual report required by subsection (e), the President shall report on the impact on the environment and the health of individuals of the use under this chapter of a herbicide for aerial eradication.

"(4) REPORT UPON DETERMINATION OF HARM TO ENVIRONMENT OR HEALTH.—If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.". President of U.S.

(d) DEFINITION OF COOPERATION.—Section 481(h) of that Act (22 U.S.C. 2291(h)) is amended—

(1) in paragraph (2)(A)(i)(IV), by inserting "illicit" before "production";

(2) in paragraph (2)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in paragraph (2)(B)(v), by inserting "essential" before "precursor"; and

(4) in paragraph (3)(D), by inserting "illicit" before "production".

(e) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(i)(2) of that Act (22 U.S.C. 2291(i)(2)) is amended to read as follows:

"(2) the term 'major illicit drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana;".

(f) DETERMINING MAJOR ILLICIT DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.—Section 481(k) of that Act (22 U.S.C. 2291(k)) is amended by striking out paragraph (4).

(g) CONTRIBUTION BY RECIPIENT COUNTRY.—Section 482(d) of that Act (22 U.S.C. 2292(d)) is amended to read as follows: 22 USC 2291a.

"(d) CONTRIBUTION BY RECIPIENT COUNTRY.—To ensure local commitment to the activities assisted under this chapter, a country receiving assistance under this chapter should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. A country may bear such costs on an 'in kind' basis.".

(h) CONFORMING AMENDMENTS TO NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act (19 U.S.C. 2492 and following) is amended—

(1) in section 802(b)(1)(A)(i)(IV), by inserting "illicit" before "production";

(2) in section 802(b)(1)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";

(4) in section 802(b)(2)(D), by inserting "illicit" before "production"; 19 USC 2492.
and

(5) in section 805, by amending paragraph (2) to read as follows: 19 USC 2495.

"(2) the term 'major drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana; and".

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 3611 (S. 1735):

HOUSE REPORTS: No. 101-342, Pt. 1 (Comm. on Foreign Affairs) and No. 101-383 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 5, S. 1735 considered and passed Senate.
Nov. 13, H.R. 3611 considered and passed House.
Nov. 15, considered and passed Senate, amended, in lieu of S. 1735.
Nov. 21, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Dec. 13, Presidential statement.

Public Law 101-232
101st Congress

An Act

To authorize the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges.

Dec. 13, 1989
[H.R. 3670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZING EXPANSION OF MEMBERSHIP OF SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.

Section 11-903, D.C. Code (as amended by section 138 of the District of Columbia Appropriations Act, 1990) is amended by striking "Subject to the enactment of authorizing legislation, the" and inserting "The".

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 3670:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 17, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 101-233
101st Congress

An Act

Dec. 13, 1989
[S. 804]

To conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

North American Wetlands Conservation Act.
Environmental protection.
Public lands.
Canada.
Mexico.
16 USC 4401 note.
16 USC 4401.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Act".

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems and other habitats in Canada, as well as in the United States and Mexico;

(2) wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific, and aesthetic values;

(3) almost 35 per centum of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems;

(4) wetland ecosystems provide substantial flood and storm control values and can obviate the need for expensive manmade control measures;

(5) wetland ecosystems make a significant contribution to water availability and quality, recharging ground water, filtering surface runoff, and providing waste treatment;

(6) wetland ecosystems provide aquatic areas important for recreational and aesthetic purposes;

(7) more than 50 per centum of the original wetlands in the United States alone have been lost;

(8) wetlands destruction, loss of nesting cover, and degradation of migration and wintering habitat have contributed to long-term downward trends in populations of migratory bird species such as pintails, American bitterns, and black ducks;

(9) the migratory bird treaty obligations of the United States with Canada, Mexico, and other countries require protection of wetlands that are used by migratory birds for breeding, wintering, or migration and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act are necessary;

(11) protection of migratory birds and their habitats requires long-term planning and the close cooperation and coordination of management activities by Canada, Mexico, and the United States within the framework of the 1916 and 1936 Migratory

Bird Conventions and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(12) the North American Waterfowl Management Plan, signed in 1986 by the Minister of Environment for Canada and the Secretary of the Interior for the United States, provides a framework for maintaining and restoring an adequate habitat base to ensure perpetuation of populations of North American waterfowl and other migratory bird species;

(13) a tripartite agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service, provides for expanded cooperative efforts in Mexico to conserve wetlands for migratory birds that spend the winter there;

(14) the long-term conservation of migratory birds and habitat for these species will require the coordinated action of governments, private organizations, landowners, and other citizens; and

(15) the treaty obligations of the United States under the Convention on Wetlands of International Importance especially as waterfowl habitat requires promotion of conservation and wise use of wetlands.

(b) PURPOSE.—The purposes of this Act are to encourage partnership among public agencies and other interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America;

(2) to maintain current or improved distributions of migratory bird populations; and

(3) to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

SEC. 3. DEFINITIONS.

16 USC 4402.

For the purposes of this Act:

(1) The term "Agreement" means the Tripartite Agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service.

(2) The term "appropriate Committees" means the Committee on Environment and Public Works of the United States Senate and the Committee on Merchant Marine and Fisheries of the United States House of Representatives.

(3) The term "flyway" means the four administrative units used by the United States Fish and Wildlife Service and the States in the management of waterfowl populations.

(4) The term "Migratory Bird Conservation Commission" means that commission established by section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a).

(5) The term "migratory birds" means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act, including

best copy available

ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2912).

(6) The term "Plan" means the North American Waterfowl Management Plan signed by the Minister of the Environment for Canada and the Secretary of the Interior for the United States in May 1986.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "State" means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(9) The term "wetlands conservation project" means—

(A) the obtaining of a real property interest in lands or waters, including water rights, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon;

(B) the restoration, management, or enhancement of wetland ecosystems and other habitat for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon; and

(C) in the case of projects undertaken in Mexico, includes technical training and development of infrastructure necessary for the conservation and management of wetlands and studies on the sustainable use of wetland resources.

16 USC 4403.

SEC. 4. ESTABLISHMENT OF NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this Act referred to as the "Council") which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) one shall be the Director of the United States Fish and Wildlife Service;

(B) one shall be the Secretary of the Board of the National Fish and Wildlife Foundation appointed pursuant to section 3(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702);

(C) four shall be individuals who shall be appointed by the Secretary, who shall reside in different flyways and who shall each be a Director of the State fish and wildlife agency; and

(D) three shall be individuals who shall be appointed by the Secretary and who shall each represent a different charitable and nonprofit organization which is actively participating in carrying out wetlands conservation projects under this Act, the Plan, or the Agreement.

(2) The Secretary shall appoint an alternate member of the Council who shall be knowledgeable and experienced in matters relating

to fish, wildlife, and wetlands conservation and who shall perform the duties of a Council member appointed under subsection (a)(1)(C) or subsection (a)(1)(D) of this section—

(A) until a vacancy referred to in subsection (b)(4) of this section is filled; or

(B) in the event of the anticipated absence of such a member from any meeting of the Council.

(b) APPOINTMENT AND TERMS.—(1) Except as provided in paragraphs (2) and (3), the term of office of a member of the Council appointed under subsections (a)(1)(C) and (a)(1)(D) of this section is three years.

(2) Of the Council members first appointed under subsection (a)(1)(C) of this section after the date of enactment of this Act, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and two shall be appointed for a term of three years.

(3) Of the Council members first appointed under subsection (a)(1)(D) of this section after the date of enactment of this Act, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years.

(4) Whenever a vacancy occurs among members of the Council appointed under subsection (a)(1)(C) or subsection (a)(1)(D) of this section, the Secretary shall appoint an individual in accordance with either such subsection to fill that vacancy for the remainder of the applicable term.

(c) EX OFFICIO COUNCIL MEMBERS.—The Secretary is authorized and encouraged to include as ex officio nonvoting members of the Commission representatives of—

(1) the Federal, provincial, territorial, or State government agencies of Canada and Mexico, which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement;

(2) the Environmental Protection Agency and other appropriate Federal agencies, in addition to the United States Fish and Wildlife Service, which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement; and

(3) nonprofit charitable organizations and Native American interests, including tribal organizations, which are participating actively in one or more wetlands conservation projects under this Act, the Plan, or the Agreement.

(d) CHAIRMAN.—The Chairman shall be elected by the Council from its members for a three-year term, except that the first elected Chairman may serve a term of less than three years.

(e) QUORUM.—A majority of the current membership of the Council shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Council shall meet at the call of the Chairman at least once a year. Council meetings shall be open to the public. If a Council member appointed under subsection (a)(1)(C) or (a)(1)(D) of this section misses three consecutive regularly scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(4).

(g) COORDINATOR.—The Director of the United States Fish and Wildlife Service shall appoint an individual who shall serve at the pleasure of the Director and—

(1) who shall be educated and experienced in the principles of fish, wildlife, and wetlands conservation;

(2) who shall be responsible, with assistance from the United States Fish and Wildlife Service, for facilitating consideration of wetlands conservation projects by the Council and otherwise assisting the Council in carrying out its responsibilities under this Act; and

(3) who shall be compensated with the funds available under section 8(a)(1) for administering this Act.

16 USC 4404.

SEC. 5. APPROVAL OF WETLANDS CONSERVATION PROJECTS.

(a) CONSIDERATION BY THE COUNCIL.—The Council shall recommend wetlands conservation projects to the Migratory Bird Conservation Commission based on consideration of—

(1) the extent to which the wetlands conservation project fulfills the purposes of this Act, the Plan, or the Agreement;

(2) the availability of sufficient non-Federal moneys to carry out any wetlands conservation project and to match Federal contributions in accordance with the requirements of section 8(b) of this Act;

(3) the extent to which any wetlands conservation project represents a partnership among public agencies and private entities;

(4) the consistency of any wetlands conservation project in the United States with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921);

(5) the extent to which any wetlands conservation project would aid the conservation of migratory nongame birds, other fish and wildlife and species that are listed, or are candidates to be listed, as threatened and endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.);

(6) the substantiality of the character and design of the wetlands conservation project; and

(7) the recommendations of any partnerships among public agencies and private entities in Canada, Mexico, or the United States which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement.

(b) RECOMMENDATIONS TO THE MIGRATORY BIRD CONSERVATION COMMISSION.—The Council shall submit to the Migratory Bird Conservation Commission by January 1 of each year, a description, including estimated costs, of the wetlands conservation projects which the Council has considered under subsection (a) of this section and which it recommends, in order of priority, that the Migratory Bird Conservation Commission approve for Federal funding under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act.

(c) COUNCIL PROCEDURES.—The Council shall establish practices and procedures for the carrying out of its functions under subsections (a) and (b) of this section. The procedures shall include requirements that—

(1) a quorum of the Council must be present before any business may be transacted; and

(2) no recommendations referred to in subsection (b) of this section may be adopted by the Council except by the vote of two-thirds of all members present and voting.

(d) COUNCIL REPRESENTATION ON MIGRATORY BIRD CONSERVATION COMMISSION.—The Chairman of the Council shall select one Council member of the United States citizenship to serve with the Chairman as ex officio members of the Migratory Bird Conservation Commission for the purposes of considering and voting upon wetlands conservation projects recommended by the Council.

(e) APPROVAL OF COUNCIL RECOMMENDATIONS BY THE MIGRATORY BIRD CONSERVATION COMMISSION.—The Migratory Bird Conservation Commission, along with the two members of the Council referred to in subsection (d) of this section, shall approve, reject or reorder the priority of any wetlands conservation projects recommended by the Council based on, to the greatest extent practicable, the criteria of subsection (a) of this section. If the Migratory Bird Conservation Commission approves any wetlands conservation project, Federal funding shall be made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act. If the Migratory Bird Conservation Commission rejects or reorders the priority of any wetlands conservation project recommended by the Council, the Migratory Bird Conservation Commission shall provide the Council and the appropriate Committees with a written statement explaining its rationale for the rejection or the priority modification.

Reports.

(f) NOTIFICATION OF APPROPRIATE COMMITTEES.—The Migratory Bird Conservation Commission shall submit annually to the appropriate Committees a report including a list and description of the wetlands conservation projects approved by the Migratory Bird Conservation Commission for Federal funding under subsection (d) of this section in order of priority; the amounts and sources of Federal and non-Federal funding for such projects; a justification for the approval of such projects and the order of priority for funding such projects; a list and description of the wetlands conservation projects which the Council recommended, in order of priority that the Migratory Bird Conservation Commission approve for Federal funding; and a justification for any rejection or re-ordering of the priority of wetlands conservation projects recommended by the Council that was based on factors other than the criteria of section 5(a) of this Act.

National Wildlife Refuge System.
16 USC 4405.

SEC. 6. CONDITIONS RELATING TO WETLANDS CONSERVATION PROJECTS.

(a) PROJECTS IN THE UNITED STATES.—(1) Subject to the allocation requirements of section 8(a)(2) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall assist in carrying out wetlands conservation projects in the United States, which have been approved by the Migratory Bird Conservation Commission, with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act.

(2) Except as provided in paragraph (3), any lands or waters or interests therein acquired in whole or in part by the Secretary with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to carry out wetlands conservation projects shall be included in the National Wildlife Refuge System.

Real property.

(3) In lieu of including in the National Wildlife Refuge System any lands or waters or interests therein acquired under this Act, the Secretary may, with the concurrence of the Migratory Bird Conservation Commission, grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of Septem-

Contracts.

ber 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act or convey any real property interest acquired in whole or in part with such funds without cost to a State or to another public agency or other entity upon a finding by the Secretary that the real property interests should not be included in the National Wildlife Refuge System: *Provided,* That any grant recipient shall have been so identified in the project description accompanying the recommendation from the Council and approved by the Migratory Bird Conservation Commission. The Secretary shall not convey any such interest to a State, another public agency or other entity unless the Secretary determines that such State, agency or other entity is committed to undertake the management of the property being transferred in accordance with the objectives of this Act, and the deed or other instrument of transfer contains provisions for the reversion of title to the property to the United States if such State, agency or other entity fails to manage the property in accordance with the objectives of this Act. Any real property interest conveyed pursuant to this paragraph shall be subject to such terms and conditions that will ensure that the interest will be administered for the long-term conservation and management of the wetland ecosystem and the fish and wildlife dependent thereon.

Grants.

(b) Projects in Canada or Mexico.—Subject to the allocation requirements of section 8(a)(1) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to public agencies and other entities for the purpose of assisting such entities and individuals in carrying out wetlands conservation projects in Canada or Mexico that have been approved by the Migratory Bird Conservation Commission: *Provided,* That the grant recipient shall have been so identified in the project description accompanying the recommendation from the Council and approved by the Migratory Bird Conservation Commission. The Secretary may only grant or otherwise provide Federal funds if the grant is subject to the terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such Federal funds will be administered for the long-term conservation and management of such wetland ecosystem and the fish and wildlife dependent thereon. Real property and interests in real property acquired pursuant to this subsection shall not become part of the National Wildlife Refuge System. Acquisitions of real property and interests in real property carried out pursuant to this subsection shall not be subject to any provision of Federal law governing acquisitions of property for inclusion in the National Wildlife Refuge System.

16 USC 4406.

SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) Aid in Wildlife Restoration.—(1) Section 3 of the Act of September 2, 1937 (16 U.S.C. 669b), is amended—

(A) by inserting "(a)" before "An amount" in the first sentence thereof; and

(B) by adding at the end thereof the following:

Securities.

"(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

"(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

"(B) sell obligations held in the fund at the market price.

"(2) The interest on obligations held in the fund—

"(A) shall be credited to the fund;

"(B) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

"(C) shall become available for apportionment under this Act at the beginning of fiscal year 2006.".

(2) Section 4(a) of the Act of September 2, 1937 (16 U.S.C. 669c(a)), is amended by inserting "(excluding interest accruing under section 3(b))" after "revenues" in the first sentence thereof.

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

Effective date. 16 USC 669b note.

(b) Migratory Bird Fines, Penalties, Forfeitures.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act. This subsection shall not be construed to require the sale of instrumentalities.

(c) Authorization of Appropriations.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act not to exceed $15,000,000 for each of fiscal years 1991, 1992, 1993, and 1994.

(d) Availability of Funds.—Sums made available under this section shall be available until expended.

SEC. 8. ALLOCATION OF AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

16 USC 4407.

(a) Allocations.—Of the sums available to the Secretary for any fiscal year under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act—

(1) such percentage of that sum (but at least 50 per centum and not more than 70 per centum thereof) as is considered appropriate by the Secretary, which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, less such amount (but not more than 4 per centum of such percentage) considered necessary by the Secretary to defray the costs of administering this Act during such fiscal year, shall be allocated by the Secretary to carry out approved wetlands conservation projects in Canada and Mexico in accordance with section 6(b) of this Act; and

(2) the remainder of such sum after paragraph (1) is applied (but at least 30 per centum and not more than 50 per centum thereof), which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, shall be allocated by the Secretary to carry out approved wetlands conservation projects in the United States in accordance with section 6(a) of this Act.

(b) Federal Contribution for Projects.—The Federal moneys allocated under subsection (a) of this section for any fiscal year to carry out approved wetlands conservation projects shall be used for the payment of not to exceed 50 per centum of the total United States contribution to the costs of such projects, or may be used for payment of 100 per centum of the costs of such projects located on

Federal lands and waters, including the acquisition of inholdings within such lands and waters. The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs.

(c) PARTIAL PAYMENTS.—(1) The Secretary may from time to time make payments to carry out approved wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (b) of this section.

Contracts.

(2) The Secretary may enter into agreements to make payments on an initial portion of an approved wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent allocations if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purposes of this Act.

16 USC 4408.

SEC. 9. RESTORATION, MANAGEMENT, AND PROTECTION OF WETLANDS AND HABITAT FOR MIGRATORY BIRDS ON FEDERAL LANDS.

The head of each Federal agency responsible for acquiring, managing, or disposing of Federal lands and waters shall, to the extent consistent with the mission of such agency and existing statutory authorities, cooperate with the Director of the United States Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other habitats for migratory birds, fish, and wildlife within the lands and waters of each such agency.

16 USC 4409.

SEC. 10. REPORT TO CONGRESS.

The Secretary shall report to the appropriate Committees on the implementation of this Act. The report shall include—

(1) a biennial assessment of—

(A) the estimated number of acres of wetlands and habitat for waterfowl and other migratory birds that were restored, protected, or enhanced during such two-year period by Federal, State, and local agencies and other entities in the United States, Canada, and Mexico;

(B) trends in the population size and distribution of North American migratory birds; and

(C) the status of efforts to establish agreements with nations in the western hemisphere pursuant to section 17 of this Act.

(2) an annual assessment of the status of wetlands conservation projects, including an accounting of expenditures by Federal, State, and other United States entities, and expenditures by Canadian and Mexican sources to carry out these projects.

16 USC 4410.

SEC. 11. REVISIONS TO THE PLAN.

The Secretary shall, in 1991 and at five-year intervals thereafter, undertake with the appropriate officials in Canada to revise the goals and other elements of the Plan in accordance with the information required under section 10 and with the other provisions of this Act. The Secretary shall invite and encourage the appropriate officials in Mexico to participate in any revisions of the Plan.

SEC. 12. RELATIONSHIP TO OTHER AUTHORITIES.

16 USC 4411.

(a) Acquisition of Lands and Waters.—Nothing in this Act affects, alters, or modifies the Secretary's authorities, responsibilities, obligations, or powers to acquire lands or waters or interests therein under any other statute.

(b) Mitigation.—The Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, may not be used for fish and wildlife mitigation purposes under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the Water Resources Development Act of 1986, Public Law 99-662 (1986), 100 Stat. 4235.

SEC. 13. ADDITION OF EPA ADMINISTRATOR TO MIGRATORY BIRD CONSERVATION COMMISSION.

16 USC 4412.

Section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by striking "the Secretary of Transportation," and inserting in lieu thereof "the Administrator of the Environmental Protection Agency,".

SEC. 14. LIMITATION ON ASSESSMENTS AGAINST MIGRATORY BIRD CONSERVATION FUND.

16 USC 4412.

Notwithstanding any other provision of law, only those personnel and administrative costs directly related to acquisition of real property shall be levied against the Migratory Bird Conservation Account.

SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS TO THE MIGRATORY BIRD TREATY ACT.

Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) by striking "and" after "1936,"; and

Union of Soviet Socialist Republics.

(2) by inserting after "1972" the following: "and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environments concluded November 19, 1976".

SEC. 16. OTHER AGREEMENTS.

International agreements.
16 USC 4413.

(a) The Secretary shall undertake with the appropriate officials of nations in the western hemisphere to establish agreements, modeled after the Plan or the Agreement, for the protection of migratory birds identified in section 13(a)(5) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a)). When any such agreements are reached, the Secretary shall make recommendations to the appropriate Committees on legislation necessary to implement the agreements.

(b) Section 13(a) of the Fish and Wildlife Conservation Act (16 U.S.C. 2912(a)) is amended by striking "and" after "U.S.C. 1531 to 1543);" and striking "necessary." and inserting "necessary; and" and adding at the end the following:

"(5) identify lands and waters in the United States and other nations in the Western Hemisphere whose protection, management, or acquisition will foster the conservation of species, subspecies, and populations of migratory nongame birds, including those identified in paragraph (3).".

SEC. 17. TO EXPAND THE BOGUE CHITTO NATIONAL WILDLIFE REFUGE.

16 USC 668dd note.

The Act entitled "An Act to establish the Bogue Chitto National Wildlife Refuge" (Public Law 96-288; 94 Stat. 603), as amended, is further amended by—

(1) striking the period at the end of subsection 3(b) and inserting in lieu thereof: ", and within an area of approximately 10,000 acres as depicted upon a map entitled "Bogue Chitto NWR Expansion", dated September, 1989 and on file with the United States Fish and Wildlife Service."; and

(2) by deleting "$10,000,000" in subsection 5(a) and inserting in lieu thereof "such sums as may be necessary".

SEC. 18. WETLANDS ASSESSMENTS.

(a) Section 401(a) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931(a)) is amended by adding the following new paragraph:

Reports.

"(5) produce, by April 30, 1990, a report that provides—

"(A) an assessment of the estimated total number of acres of wetland habitat as of the 1780's in the areas that now comprise each State; and

"(B) an assessment of the estimated total number of acres of wetlands in each State as of the 1980's, and the percentage of loss of wetlands in each State between the 1780's and the 1980's.".

(b) Section 401 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931) is amended by deleting "and" at the end of paragraph (3) and inserting "and" at the end of paragraph (4).

Approved December 13, 1989.

LEGISLATIVE HISTORY—S. 804 (H.R. 2587):

HOUSE REPORTS: No. 101-269 accompanying H.R. 2587 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 101-161 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Oct. 10, H.R. 2587 considered and passed House.
Nov. 15, S. 804 considered and passed Senate.
Nov. 17, considered and passed House, amended.
Nov. 19, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Dec. 13, Presidential remarks and statement.

Public Law 101-234
101st Congress

An Act

To repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988.

Dec. 13, 1989
[H.R. 3607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Medicare Catastrophic Coverage Repeal Act of 1989.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Catastrophic Coverage Repeal Act of 1989".

TITLE I—PROVISIONS RELATING TO PART A OF MEDICARE PROGRAM AND SUPPLEMENTAL MEDICARE PREMIUM

SEC. 101. REPEAL OF EXPANSION OF MEDICARE PART A BENEFITS.

42 USC 1395e note.

(a) In General.—

(1) General rule.—Except as provided in paragraph (2), sections 101, 102, and 104(d) (other than paragraph (7)) of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) (in this Act referred to as "MCCA") are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such section had not been enacted.

42 USC 1395c-1395f, 1395k, 1395x, 1395cc, 1395tt.

(2) Exception for blood deduction.—The repeal of section 102(1) of MCCA (relating to deductibles and coinsurance under part A) shall not apply, but only insofar as such section amended paragraph (2) of section 1813(a) of the Social Security Act (relating to a deduction for blood).

42 USC 1395e note.

(b) Transition Provisions for Medicare Beneficiaries.—

(1) Inpatient hospital services and post-hospital extended care services.—In applying sections 1812 and 1813 of the Social Security Act, as restored by subsection (a)(1), with respect to inpatient hospital services and extended care services provided on or after January 1, 1990—

(A) no day before January 1, 1990, shall be counted in determining the beginning (or period) of a spell of illness;

(B) with respect to the limitation on such services provided in a spell of illness, days of such services before January 1, 1990, shall not be counted, except that days of inpatient hospital services before January 1, 1989, which were applied with respect to an individual after receiving 90 days of services in a spell of illness (commonly known as "lifetime reserve days") shall be counted;

(C) the limitation of coverage of extended care services to post-hospital extended care services shall not apply to an individual receiving such services from a skilled nursing facility during a continuous period beginning before (and including) January 1, 1990, until the end of the period of 30 consecutive days in which the individual is not provided inpatient hospital services or extended care services; and

(D) the inpatient hospital deductible under section 1813(a)(1) of such Act shall not apply—

(i) in the case of an individual who is receiving inpatient hospital services during a continuous period beginning before (and including) January 1, 1990, with respect to the spell of illness beginning on such date, if such a deductible was imposed on the individual for a period of hospitalization during 1989;

(ii) for a spell of illness beginning during January 1990, if such a deductible was imposed on the individual for a period of hospitalization that began in December 1989; and

(iii) in the case of a spell of illness of an individual that began before January 1, 1990.

(2) Hospice care.—The restoration of section 1812(a)(4) of the Social Security Act, effected by subsection (a)(1), shall not apply to hospice care provided during the subsequent period (described in such section as in effect on December 31, 1989) with respect to which an election has been made before January 1, 1990.

42 USC 1395e note.

(3) Termination of hold harmless provisions.—Section 104(b) of MCCA is amended by striking "or 1990" each place it appears.

(c) Termination of Transitional Adjustments in Payments for Inpatient Hospital Services.—

42 USC 1395ww note.

(1) PPS hospitals.—Section 104(c)(1) of MCCA is amended by inserting "and before January 1, 1990," after "October 1, 1988,".

(2) PPS-exempt hospitals.—

(A) In general.—Section 104(c)(2) of MCCA is amended—

(i) by inserting "and before January 1, 1990," after "January 1, 1989,"; and

(ii) by striking the period at the end and inserting the following: ", without regard to whether any of such beneficiaries exhausted medicare inpatient hospital insurance benefits before January 1, 1989.".

42 USC 1395ww note.

(B) Transition.—The Secretary of Health and Human Services shall make an appropriate adjustment to the target amount established under section 1886(b)(3)(A) of the Social Security Act in the case of inpatient hospital services provided to an inpatient whose stay began before January 1, 1990, in order to take into account the target amount that would have applied but for the amendments made by this title.

42 USC 1395c note.

(d) Effective Date.—The provisions of this section shall take effect January 1, 1990, except that the amendments made by subsection (c) shall be effective as if included in the enactment of MCCA.

SEC. 102. REPEAL OF SUPPLEMENTAL MEDICARE PREMIUM AND FEDERAL HOSPITAL INSURANCE CATASTROPHIC COVERAGE RESERVE FUND.

26 USC 59B and notes, 6050F and note; 42 USC 1395i-1a and note.

(a) In General.—Sections 111 and 112 of MCCA are repealed and the provisions of law amended by such sections are restored or revived as if such sections had not been enacted.

(b) Delay in Study Deadline.—Section 113(c) of MCCA is amended by striking "November 30, 1988" and inserting "May 31, 1990".

42 USC 1395t note.

(c) Disposal of Funds in Federal Hospital Insurance Catastrophic Coverage Reserve Fund.—Any balance in the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A(a) of the Social Security Act, as inserted by section 112(a) of MCCA) as of January 1, 1990, shall be transferred into the Federal Supplementary Medical Insurance Trust Fund and any amounts payable due to overpayments into such Trust Fund shall be payable from the Federal Supplementary Medical Insurance Trust Fund.

26 USC 59B note.

(d) Effective Dates.—

(1) In general.—Except as provided in this subsection, the provisions of this section shall take effect January 1, 1990.

(2) Repeal of supplemental medicare premium.—The repeal of section 111 of MCCA shall apply to taxable years beginning after December 31, 1988.

TITLE II—PROVISIONS RELATING TO PART B OF THE MEDICARE PROGRAM

SEC. 201. REPEAL OF EXPANSION OF MEDICARE PART B BENEFITS.

42 USC 1320a-7a note.

(a) In General.—

42 USC 1320a-7a, 1320c-3 and note, 1395b-1 note, 1395h, 1395k and notes, 1395*l*, 1395m and notes, 1395n, 1395u and notes, 1395w-2, 1395w-3, 1395x and notes, 1395y, 1395z, 1395aa-1395bb, 1395cc, 1395mm, 1395*ll* note, 1395ww note, 1396a, 1396b, 1396n.

(1) General rule.—Except as provided in paragraph (2), sections 201 through 208 of MCCA are repealed and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(2) Exception.—Paragraph (1) shall not apply to subsections (g) and (m)(4) of section 202 of MCCA.

(b) Conforming Amendments.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended—

(1) in paragraph (3)(C)—

(A) by striking "Subject to paragraph (4), deductibles" and inserting "Deductibles", and

(B) by striking "1813, section 1833(b)" and all that follows and inserting "1813 and section 1833(b)).''; and

(2) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

42 USC 1320a-7a note.

(c) Effective Date.—The provisions of this section shall take effect January 1, 1990.

42 USC 401 note.

SEC. 202. REPEAL OF CHANGES IN MEDICARE PART B MONTHLY PREMIUM AND FINANCING.

42 USC 401, 1395i, 1395*l*, 1395r and note, 1395s, 1395t, 1395t-1, 1395t-2, 1395w, 1395mm.

(a) In General.—Sections 211 through 213 (other than sections 211(b) and 211(c)(3)(B)) of MCCA are repealed and the provisions of law amended or repealed by such sections are restored or revised as if such sections had not been enacted.

(b) Effective Date.—The provisions of subsection (a) shall take effect January 1, 1990, and the repeal of section 211 of MCCA shall apply to premiums for months beginning after December 31, 1989.

SEC. 203. AMENDMENT OF CERTAIN MISCELLANEOUS PROVISIONS.

(a) Revision of Medigap Regulations.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss), as amended by section 221(d) of MCCA, is amended—

(A) in the third sentence of subsection (a) and in subsection (b)(1), by striking "subsection (k)(3)" and inserting "subsections (k)(3), (k)(4), (m), and (n)";

(B) in subsection (k)—

(i) in paragraph (1)(A), by inserting "except as provided in subsection (m)," before "subsection (g)(2)(A)", and

(ii) in paragraph (3), by striking "subsection (l)" and inserting "subsections (l), (m), and (n)"; and

(C) by adding at the end the following new subsections:

State and local governments.

"(m)(1)(A) If, within the 90-day period beginning on the date of the enactment of this subsection, the National Association of Insurance Commissioners (in this subsection and subsection (n) referred to as the 'Association') revises the amended NAIC Model Regulation (referred to in subsection (k)(1)(A) and adopted on September 20, 1988) to improve such regulation and otherwise to reflect the changes in law made by the Medicare Catastrophic Coverage Repeal Act of 1989, subsection (g)(2)(A) shall be applied in a State, effective on and after the date specified in subparagraph (B), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the amended NAIC Model Regulation (referred to in subsection (k)(1)(A)) as revised by the Association in accordance with this paragraph (in this subsection and subsection (n) referred to as the 'revised NAIC Model Regulation').

"(B) The date specified in this subparagraph for a State is the earlier of the date the State adopts standards equal to or more stringent than the revised NAIC Model Regulation or 1 year after the date the Association first adopts such revised Regulation.

"(2)(A) If the Association does not revise the amended NAIC Model Regulation, within the 90-day period specified in paragraph (1)(A), the Secretary shall promulgate, not later than 60 days after the end of such period, revised Federal model standards (in this subsection and subsection (n) referred to as 'revised Federal model standards') for medicare supplemental policies to improve such standards and otherwise to reflect the changes in law made by the Medicare Catastrophic Coverage Repeal Act of 1989, subsection (g)(2)(A) shall be applied in a State, effective on and after the date specified in subparagraph (B), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the revised Federal model standards.

"(B) The date specified in this subparagraph for a State is the earlier of the date the State adopts standards equal to or more stringent than the revised Federal model standards or 1 year after the date the Secretary first promulgates such standards.

"(3) Notwithstanding any other provision of this section (except as provided in subsection (n))—

"(A) no medicare supplemental policy may be certified by the Secretary pursuant to subsection (a),

"(B) no certification made pursuant to subsection (a) shall remain in effect, and

"(C) no State regulatory program shall be found to meet (or to continue to meet) the requirements of subsection (b)(1)(A),

unless such policy meets (or such program provides for the application of standards equal to or more stringent than) the standards set forth in the revised NAIC Model Regulation or the revised Federal model standards (as the case may be) by the date specified in paragraph (1)(B) or (2)(B) (as the case may be).

"(n)(1) Until the date specified in paragraph (4), in the case of a qualifying medicare supplemental policy described in paragraph (3) issued in a State—

"(A) before the transition deadline, the policy is deemed to remain in compliance with the standards described in subsection (b)(1)(A) only if the insurer issuing the policy complies with the transition provision described in paragraph (2), or

"(B) on or after the transition deadline, the policy is deemed to be in compliance with the standards described in subsection (b)(1)(A) only if the insurer issuing the policy complies with the revised NAIC Model Regulation or the revised Federal model standards (as the case may be) before the date of the sale of the policy.

In this paragraph, the term 'transition deadline' means 1 year after the date the Association adopts the revised NAIC Model Regulation or 1 year after the date the Secretary promulgates revised Federal model standards (as the case may be).

"(2) The transition provision described in this paragraph is—

"(A) such transition provision as the Association provides, by not later than December 15, 1989, so as to provide for an appropriate transition (i) to restore benefit provisions which are no longer duplicative as a result of the changes in benefits under this title made by the Medicare Catastrophic Coverage Repeal Act of 1989 and (ii) to eliminate the requirement of payment for the first 8 days of coinsurance for extended care services, or

"(B) if the Association does not provide for a transition provision by the date described in subparagraph (A), such transition provision as the Secretary shall provide, by January 1, 1990, so as to provide for an appropriate transition described in subparagraph (A).

"(3) In paragraph (1), the term 'qualifying medicare supplemental policy' means a medicare supplemental policy which has been issued in compliance with this section as in effect on the date before the date of the enactment of this subsection.

"(4)(A) The date specified in this paragraph for a policy issued in a State is—

"(i) the first date a State adopts, after the date of the enactment of this subsection, standards equal to or more stringent than the revised NAIC Model Regulation (or revised Federal model standards), as the case may be, or

"(ii) the date specified in subparagraph (B),

whichever is earlier.

"(B) In the case of a State which the Secretary identifies, in consultation with the Association, as—

"(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet standards described in subparagraph (A)(i), but

"(ii) having a legislature which is not scheduled to meet in 1990 in a legislative session in which such legislation may be considered,

the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1,

1990. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(5) In the case of a medicare supplemental policy in effect on January 1, 1990, the policy shall not be deemed to meet the standards in subsection (c) unless each individual who is entitled to benefits under this title and is a policyholder or certificate holder under such policy on such date is sent a notice in an appropriate form by not later than January 31, 1990, that explains—

"(A) the changes in benefits under this title effected by the Medicare Catastrophic Coverage Repeal Act of 1989, and

"(B) how these changes may affect the benefits contained in such policy and the premium for the policy.

"(6)(A) Except as provided in subparagraph (B), in the case of an individual who had in effect, as of December 31, 1988, a medicare supplemental policy with an insurer (as a policyholder or, in the case of a group policy, as a certificate holder) and the individual terminated coverage under such policy before the date of the enactment of this subsection, no medicare supplemental policy of the insurer shall be deemed to meet the standards in subsection (c) unless the insurer—

"(i) provides written notice, no earlier than December 15, 1989, and no later than January 30, 1990, to the policyholder or certificate holder (at the most recent available address) of the offer described in clause (ii), and

"(ii) offers the individual, during a period of at least 60 days beginning not later than February 1, 1990, reinstitution of coverage (with coverage effective as of January 1, 1990), under the terms which (I) do not provide for any waiting period with respect to treatment of pre-existing conditions, (II) provides for coverage which is substantially equivalent to coverage in effect before the date of such termination, and (III) provides for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

"(B) An insurer is not required to make the offer under subparagraph (A)(ii) in the case of an individual who is a policyholder or certificate holder in another medicare supplemental policy as of the date of the enactment of this subsection, if (as of January 1, 1990) the individual is not subject to a waiting period with respect to treatment of a pre-existing condition under such other policy.".

42 USC 1395mm note.

(b) ADJUSTMENT OF CONTRACTS WITH PREPAID HEALTH PLANS.—Notwithstanding any other provision of this Act, the amendments made by this Act (other than the repeal of sections 1833(c)(5) and 1834(c)(6) of the Social Security Act) shall not apply to risk-sharing contracts, for contract year 1990—

(1) with eligible organizations under section 1876 of the Social Security Act, or

(2) with health maintenance organizations under section 1876(i)(2)(A) of such Act (as in effect before February 1, 1985), under section 402(a) of the Social Security Amendments of 1967, or under section 222(a) of the Social Security Amendments of 1972.

42 USC 1395b-2 note.

(c) NOTICE OF CHANGES.—The Secretary of Health and Human Services shall provide, in the notice of medicare benefits provided under section 1804 of the Social Security Act for 1990, for a description of the changes in benefits under title XVIII of such Act made by the amendments made by this Act.

(d) MISCELLANEOUS TECHNICAL CORRECTION.—Section 221(g)(3) of MCCA is amended by striking "subsection (f)" and inserting "subsection (e)". 42 USC 1395ss note.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect January 1, 1990, except that the amendment made by subsection (d) shall be effective as if included in the enactment of MCCA. 42 USC 1395ss note.

TITLE III—MISCELLANEOUS AMENDMENTS

SEC. 301. MISCELLANEOUS MCCA AMENDMENTS.

(a) IN GENERAL.—Sections 421 through 425 and 427 of MCCA are repealed and any provision of law amended or repealed by such sections is restored or revived as if such sections had not been enacted. 5 USC 902 note; 42 USC 1395b note, 1395b-1 note, 1395b-2 note, 1395h note.

(b) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1987, section 1834(b)(4)(A) of the Social Security Act, as added by section 4049(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "insurance and deductibles under section 1835(a)(1)(I)" and inserting "coinsurance and deductibles under sections 1833(a)(1)(J)". 42 USC 1395m.

(2) Section 1842(j)(1)(C)(vii) of the Social Security Act, as added by section 4085(i)(7)(C) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "accordingly" and inserting "according". 42 USC 1395u.

(3) Section 1886(g)(3)(A)(iv) of the Social Security Act, as added by section 4006(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "may) be" and inserting "may be)" 42 USC 1395ww.

(4) Section 1866(a)(1)(F)(i)(III) of the Social Security Act is amended by striking "fiscal year))" and inserting "fiscal year)". 42 USC 1395cc.

(5) Section 1875(c)(7) of the Social Security Act, as added by section 9316(a) of the Omnibus Budget Reconciliation Act of 1986, is amended by striking "date of the enactment of this Act" and inserting "date of the enactment of this section". 42 USC 1395*ll*.

(6) Section 1842(j)(2)(B) of the Social Security Act, as amended by section 8(c)(2)(A) of the Medicare and Medicaid Fraud and Abuse Patient Protection Act of 1987, is amended by striking "paragraphs" and inserting "subsections".

(c) MISCELLANEOUS CORRECTIONS RELATING TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.—

(1) Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1987, section 1834(b)(4)(A) of the Social Security Act (42 U.S.C. 1395m(b)(4)(A)), as added by section 4049(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "insurance and deductibles under section 1835(a)(1)(I)" and inserting "coinsurance and deductibles under sections 1833(a)(1)(J)".

(2) Section 1842(j)(1)(C)(vii) of the Social Security Act (42 U.S.C. 1395u(j)(1)(C)(viii)), as added by section 4085(i)(7)(C) of the

Omnibus Budget Reconciliation Act of 1987, is amended by striking "accordingly" and inserting "according".

(3) Section 1886(g)(3)(A)(iv) of the Social Security Act (42 U.S.C. 1395ww(g)(3)(A)(iv)), as added by section 4006(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "may) be" and inserting "may be)".

(d) OTHER CORRECTIONS.—

(1) Section 1866(a)(1)(F)(i)(III) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(F)(i)(III)) is amended by striking "fiscal year))" and inserting "fiscal year)".

(2) Section 1875(c)(7) of the Social Security Act (42 U.S.C. 1395ll(c)(7)), as added by section 9316(a) of the Omnibus Budget Reconciliation Act of 1986, is amended by striking "date of the enactment of this Act" and inserting "date of the enactment of this section".

(3) Section 1842(j)(2)(B) of the Social Security Act (42 U.S.C. 1395u(j)(2)(B)), as amended by section 8(c)(2)(A) of the Medicare and Medicaid Fraud and Abuse Patient Protection Act of 1987, is amended by striking "paragraphs" and inserting "subsections".

42 USC 1395u note.

(e) EFFECTIVE DATE.—The provisions of this section (other than subsections (c) and (d)) shall take effect January 1, 1990, except that—

(1) the repeal of section 421 of MCCA shall not apply to duplicative part A benefits for periods before January 1, 1990, and

(2) the amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

Approved December 13, 1989.

LEGISLATIVE HISTORY—H.R. 3607:

HOUSE REPORTS: No. 101-378 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 8, considered and passed House; considered and passed Senate, amended.
Nov. 19, House agreed to conference report. Senate rejected conference report.
Nov. 21, Senate receded from its amendment; reconsidered and passed Senate, amended. House disagreed to Senate amendment. Senate receded from its amendment.

Public Law 101-235
101st Congress

An Act

To amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes.

Dec. 15, 1989
[H.R. 1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

Department of Housing and Urban Development Reform Act of 1989.
42 USC 3531 note.

(a) Short Title.—This Act may be cited as the "Department of Housing and Urban Development Reform Act of 1989".

(b) Table of Contents.—

Sec. 1. Short title and table of contents.

TITLE I—REFORMS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Ethics

Sec. 101. Allocation of housing assistance.
Sec. 102. HUD accountability.
Sec. 103. Prohibition of advance disclosure of funding decisions.
Sec. 104. Reform of headquarters reserve.
Sec. 105. Reform of CDBG discretionary fund and provision of technical assistance.
Sec. 106. Waiver of regulation requirements and handbook provisions.
Sec. 107. Civil money penalties against mortgagees and lenders.
Sec. 108. Civil money penalties against multifamily mortgagors.
Sec. 109. Civil money penalties against section 202 mortgagors.
Sec. 110. Civil money penalties against GNMA issuers.
Sec. 111. Civil money penalties for violations of Interstate Land Sales Full Disclosure Act.
Sec. 112. Registration of consultants.

Subtitle B—Management Reform

Sec. 121. Establishment of HUD Chief Financial Officer.
Sec. 122. Establishment of FHA Comptroller.
Sec. 123. Expediting rulemaking.
Sec. 124. Funding for program evaluation and monitoring.
Sec. 125. Refinancing of section 235 mortgages.
Sec. 126. Sanctions for improper conveyances under urban homestead programs.
Sec. 127. Reform of moderate rehabilitation program.

Subtitle C—Federal Housing Administration Reforms

Sec. 131. Annual audited financial statements.
Sec. 132. Credit reviews of persons acquiring mortgaged properties under single family program for life of mortgage.
Sec. 133. Repeal of title X land development program.
Sec. 134. Civil money penalties for improper dealer and loan broker participation in origination of property improvement loans.
Sec. 135. Notification regarding suspended mortgagees.
Sec. 136. FHA foreclosed properties.
Sec. 137. Report regarding providing foreclosed properties to 1989 disaster victims.
Sec. 138. Report regarding actions to improve direct endorsement program.
Sec. 139. Co-insurance amendments.
Sec. 140. FHA management.
Sec. 141. Contracting for financial management support.
Sec. 142. FHA operations.

Sec. 143. Elimination of private investor-owners from single family mortgage insurance program.

TITLE II—HOUSING PRESERVATION

Sec. 201. Limitations on prepayment.
Sec. 202. Clarification of applicability to voluntary termination of insurance.
Sec. 203. Incentives to extend low-income use.
Sec. 204. Preservation.
Sec. 205. Report on property disposition demonstration.
Sec. 206. Prohibition on prepayment of new rural housing loans.
Sec. 207. Equity takeout incentive for new rural housing loans.

TITLE III—HOUSING PROGRAM EXTENSIONS AND CHANGES

Sec. 301. Flexible subsidy program.
Sec. 302. Continuation of public housing economic rent.
Sec. 303. Extension of reciprocity in approval of housing subdivisions among Federal agencies.
Sec. 304. HODAG Amendment.

TITLE IV—RURAL HOUSING

Sec. 401. Accountability in awards of assistance; remedies and penalties.
Sec. 402. Reuse of section 515 loan authority.

TITLE V—NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Sec. 501. Purpose.
Sec. 502. Establishment of Commission.
Sec. 503. Membership of Commission.
Sec. 504. Functions of the Commission.
Sec. 505. Powers of Commission.
Sec. 506. Authorization of appropriations.
Sec. 507. Sunset.

TITLE VI—NATIONAL COMMISSION ON NATIVE AMERICAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

Sec. 601. Establishment.
Sec. 602. Membership.
Sec. 603. Functions of the Commission.
Sec. 604. Powers of the Commission.
Sec. 605. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 701. Nullification of right of redemption of single family mortgagors under section 312 rehabilitation loan program.
Sec. 702. CDBG Grants to Indian tribes.

TITLE VIII—SECTION 8 RENT ADJUSTMENTS

Sec. 801. Annual adjustment factors for section 8 rents.

TITLE I—REFORMS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Ethics

SEC. 101. ALLOCATION OF HOUSING ASSISTANCE.

(a) ASSISTANCE SUBJECT TO FORMULA ALLOCATION.—Section 213(d)(1) of the Housing and Community Development Act of 1974 is amended to read as follows: 42 USC 1439.

Regulations. State and local governments.

"(d)(1)(A) Except as provided by subparagraph (B), the Secretary shall allocate assistance referred to in subsection (a)(1) the first time it is available for reservation on the basis of a formula that is contained in a regulation prescribed by the Secretary, and that is based on the relative needs of different States, areas, and communities, as reflected in data as to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, and other objectively measurable conditions specified in the regulation. In allocating assistance under this paragraph for each program of housing assistance under subsection (a)(1), the Secretary shall apply the formula, to the extent practicable, in a manner so that the assistance under the program is allocated according to the particular relative needs under the preceding sentence that are characteristic of and related to the particular type of assistance provided under the program. Assistance under section 202 of the Housing Act of 1959 shall be allocated in a manner that ensures that awards of the assistance under such section are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.

Aged persons.

"(B) The formula allocation requirements of subparagraph (A) shall not apply to—

"(i) assistance that is approved in appropriation Acts for use under sections 9 or 14, or the rental rehabilitation grant program under section 17, of the United States Housing Act of 1937, except that the Secretary shall comply with section 102 of the Department of Housing and Urban Development Reform Act of 1989 with respect to such assistance; or

Contracts.
Indians.

"(ii) other assistance referred to in subsection (a) that is approved in appropriation Acts for uses that the Secretary determines are incapable of geographic allocation, including amendments of existing contracts, renewal of assistance contracts, assistance to families that would otherwise lose assistance due to the decision of the project owner to prepay the project mortgage or not to renew the assistance contract, assistance to prevent displacement or to provide replacement housing in connection with the demolition or disposition of public and Indian housing, and assistance in support of the property disposition and loan management functions of the Secretary.

"(C) Any allocation of assistance under subparagraph (A) shall, as determined by the Secretary, be made to the smallest practicable area, consistent with the delivery of assistance through a meaningful competitive process designed to serve areas with greater needs.

"(D) Any amounts allocated to a State or areas or communities within a State that are not likely to be used within a fiscal year shall not be reallocated for use in another State, unless the Secretary determines that other areas or communities (that are eligible for assistance under the program) within the same State cannot use the amounts within that same fiscal year.".

(b) Allocation to Nonmetropolitan Areas.—The second sentence of section 213(d)(2) of the Housing and Community Development Act of 1974 is amended by striking "such assistance" and inserting "the assistance that is subject to allocation under paragraph (1)(A)".

42 USC 1439.

(c) Competition for Assistance.—Section 213(d) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new paragraph:

"(5)(A) The Secretary shall not reserve or obligate assistance subject to allocation under paragraph (1)(A) to specific recipients, unless the assistance is first allocated on the basis of the formula contained in that paragraph and then is reserved and obligated pursuant to a competition.

"(B) Any competition referred to in subparagraph (A) shall be conducted pursuant to specific criteria for the selection of recipients of assistance. The criteria shall be contained in—

Regulations.

"(i) a regulation promulgated by the Secretary after notice and public comment; or

Federal Register, publication.

"(ii) to the extent authorized by law, a notice published in the Federal Register.

"(C) Subject to the times at which appropriations for assistance subject to paragraph (1)(A) may become available for reservation in any fiscal year, the Secretary shall take such steps as the Secretary deems appropriate to ensure that, to the maximum extent practicable, the process referred to in subparagraph (A) is carried out with similar frequency and at similar times for each fiscal year.

"(D) This paragraph shall not apply to assistance referred to in paragraph (4).".

Contracts. 42 USC 1437aa note.

(d) **Applicability.**—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by subsections (a), (b), and (c) of this section shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

42 USC 1439.

(e) **Conforming Amendment.**—Section 213(a)(1) of the Housing and Community Development Act of 1974 is amended by striking "section 235 or 236 of the National Housing Act,".

42 USC 3545.

SEC. 102. HUD ACCOUNTABILITY.

Federal Register, publication.

(a) **Notice Regarding Assistance.**—

(1) **Publication of notice of availability.**—The Secretary shall publish in the Federal Register notice of the availability of any assistance under any program or discretionary fund administered by the Secretary.

(2) **Publication of application procedures.**—The Secretary shall publish in the Federal Register a description of the form and procedures by which application for the assistance may be made, and any deadlines relating to the award or allocation of the assistance. Such description shall be designed to help eligible applicants to apply for such assistance.

(3) **Publication of selection criteria.**—Not less than 30 days before any deadline by which applications or requests for assistance under any program or discretionary fund administered by the Secretary must be submitted, the Secretary shall publish in the Federal Register the criteria by which selection for the assistance will be made. Subject to section 213 of the Housing and Community Development Act of 1974, such criteria shall include any objective measures of housing need, project merit, or efficient use of resources that the Secretary determines are appropriate and consistent with the statute under which the assistance is made available.

(4) **Documentation of decisions.**—

(A) The Secretary shall award or allocate assistance only in response to a written application in a form approved in advance by the Secretary, except where other award or allocation procedures are specified in statute.

(B) The Secretary shall ensure that documentation and other information regarding each application for assistance is sufficient to indicate the basis on which any award or allocation was made or denied. The preceding sentence shall apply to—

State and local governments.

(i) any application for an award or allocation of assistance made by the Secretary to a State, unit of general local government, or other recipient of assistance, and

(ii) any application for a subsequent award or allocation of such assistance by such State, unit of general local government or other recipient.

State and local governments.

(C)(i) The Secretary shall notify the public of all funding decisions made by the Department. The Secretary shall require any State or unit of general local government to notify the public of the award or allocation of such funding to subsequent recipients. The notification shall include the following elements for each funding decision:

(I) the name and address of each funding recipient;

(II) the name or other means of identifying the project, activity, or undertaking for each funding recipient;

(III) the dollar amount of the funding for each project, activity, or undertaking;

(IV) the citation to the statutory, regulatory, or other criteria under which the funding decision was made; and

(V) such additional information as the Secretary deems appropriate for a clear and full understanding of the funding decision.

(ii) The notification referred to in clause (i) of this subsection shall be published as a Notice in the Federal Register at least quarterly.

(iii) For purposes of this subparagraph, the term 'funding decision' means the decision of the Secretary to make available grants, loans, or any other form of financial assistance to an individual or to an entity, including (but not limited to) a State or local government or agency thereof (including a public housing agency), an Indian tribe, or a nonprofit organization, under any program administered by the Department that provides, by statute, regulation, or otherwise, for the competitive distribution of financial assistance.

(D) The Secretary shall publish a notice in the Federal Register at least annually informing the public of the allocation of assistance under section 213(d)(1)(A) of the Housing and Community Development Act of 1974.

Public information.

(E) The Secretary shall ensure that each application and all related documentation and other information referred to in subparagraph (B), including each letter of support, is readily available for public inspection for a period of not less than 5 years, beginning not less than 30 days following the date on which the award or allocation is made.

(5) EMERGENCY EXCEPTION.—The Secretary may waive the requirements of paragraphs (1), (2), and (3) if the Secretary determines that the waiver is required for appropriate response to an emergency. Not less than 30 days after providing a waiver under the preceding sentence, the Secretary shall publish in the Federal Register the Secretary's reasons for so doing.

State and local governments.

(b) DISCLOSURES BY APPLICANTS.—The Secretary shall require the disclosure of information with respect to any application for assistance within the jurisdiction of the Department for a project application submitted to the Secretary or to any State or unit of general local government by any applicant who has received or, in the determination of the Secretary, can reasonably be expected to receive assistance within the jurisdiction of the Department in excess of $200,000 in the aggregate during any fiscal year or such lower amount as the Secretary may establish by regulation. Such information shall include the following:

(1) OTHER GOVERNMENT ASSISTANCE.—Information regarding any related assistance from the Federal Government, a State, or a unit of general local government, or any agency or instrumentality thereof, that is expected to be made available with respect to the project or activities for which the applicant is seeking assistance. Such related assistance shall include but not be limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

(2) INTERESTED PARTIES.—The name and pecuniary interest of any person who has a pecuniary interest in the project or activities for which the applicant is seeking assistance. Persons with a pecuniary interest in the project or activity shall include but not be limited to any developers, contractors, and consultants involved in the application for assistance or the planning, development, or implementation of the project or activity. For purposes of this paragraph, residency of an individual in housing for which assistance is being sought shall not, by itself, be considered a pecuniary interest.

Reports.

(3) EXPECTED SOURCES AND USES.—A report satisfactory to the Secretary of the expected sources and uses of funds that are to be made available for the project or activity.

(c) UPDATING OF DISCLOSURE.—During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required under the previous subsection within 30 days of any substantial change.

(d) LIMITATION OF ASSISTANCE.—The Secretary shall certify that assistance within the jurisdiction of the Department to any housing project shall not be more than is necessary to provide affordable housing after taking account of assistance described in subsection (b)(1). The Secretary shall adjust the amount of assistance awarded or allocated to an applicant to compensate in whole or in part, as the Secretary determines to be appropriate, for any changes reported under subsection (c).

(e) ADMINISTRATIVE REMEDIES.—If the Secretary receives or obtains information providing a reasonable basis to believe that a violation of subsection (b) or (c) has occurred, the Secretary shall—

(1) in the case of a selection that has not been made, determine whether to terminate the selection process or take other appropriate actions; and

(2) in the case of a selection that has been made, determine whether to—

(A) void or rescind the selection, subject to review and determination on the record after opportunity for a hearing;

(B) impose sanctions upon the violator, including debarment, subject to review and determination on the record after opportunity for a hearing;

(C) recapture any funds that have been disbursed;

(D) permit the violating applicant selected to continue to participate in the program; or

(E) take any other actions that the Secretary considers appropriate.

Federal Register, publication.

The Secretary shall publish in the Federal Register a descriptive statement of each determination made and action taken under this subsection.

(f) Civil Money Penalties.—

(1) In general.—Whenever any person knowingly and materially violates any provision of subsection (b) or (c), the Secretary may impose a civil money penalty on that person in accordance with the provisions of this section. This penalty shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions.

(2) Amount of penalty.—The amount of the penalty, as determined by the Secretary, may not exceed $10,000 for each violation.

(g) Agency Procedures.—(1) The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsection (f). These standards and procedures—

(A) shall provide for the Secretary to make the determination to impose the penalty or to use an administrative entity to make the determination;

(B) shall provide for the imposition of a penalty only after the person has been given an opportunity for a hearing on the record; and

(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order, the determination or order shall be final.

(2) Factors in Determining Amount of Penalty.—In determining the amount of a penalty under subsection (f), consideration shall be given to such factors as the gravity of the offense, ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

(3) Reviewability of Imposition of a Penalty.—The Secretary's determination or order imposing a penalty under subsection (f) shall not be subject to review, except as provided in subsection (h).

(h) Judicial Review of Agency Determination.—

(1) In general.—After exhausting all administrative remedies established by the Secretary under subsection (g)(1), a person against whom the Secretary has imposed a civil money penalty under subsection (f) may obtain a review of the penalty and such ancillary issues as may be addressed in the notice of determination to impose a penalty under subsection (g)(1)(A) in the appropriate court of appeals of the United States, by filing

in such court, within 20 days after the entry of such order or determination, a written petition praying that the order or determination of the Secretary be modified or be set aside in whole or in part.

(2) OBJECTIONS NOT RAISED IN HEARING.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (g)(1) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at the hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

(3) SCOPE OF REVIEW.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

(4) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

(i) ACTION TO COLLECT THE PENALTY.—If any person fails to comply with the determination or order of the Secretary imposing a civil money penalty under subsection (f), after the determination or order is no longer subject to review as provided by subsections (g)(1) and (h), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the person and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

(j) SETTLEMENT BY THE SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

(k) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

(l) DEPOSIT OF PENALTIES.—The Secretary shall deposit all civil money penalties collected under this section into miscellaneous receipts of the Treasury.

(m) DEFINITIONS.—For the purpose of this section—

(1) The term "Department" means the Department of Housing and Urban Development.

(2) The term "Secretary" means the Secretary of Housing and Urban Development.

(3) The term "person" means an individual (including a consultant, lobbyist, or lawyer), corporation, company, association, authority, firm, partnership, society, State, local government, or any other organization or group of people.

(4) The term "assistance within the jurisdiction of the Department" includes any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(5) The term "knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

(n) Effective Date.—This section shall take effect on the date specified in regulations implementing this section that are issued by the Secretary after notice and public comment.

SEC. 103. PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISIONS.

The Department of Housing and Urban Development Act is amended by adding at the end the following new section:

"PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISIONS

42 USC 3537a.

"Sec. 12. (a) Prohibited Actions.—During any selection process, no officer or employee of the Department of Housing and Urban Development shall knowingly disclose any covered selection information regarding such selection, directly or indirectly, to any person other than a person authorized by the Secretary to receive such information.

"(b) Administrative Remedies.—If the Secretary receives or obtains information providing a reasonable basis to believe that a violation of subsection (a) has occurred, the Secretary shall—

"(1) in the case of a selection that has not been made, determine whether to terminate the selection process or take other appropriate actions; and

"(2) in the case of a selection that has been made, determine whether to—

"(A) void or rescind the selection, subject to review and determination on the record after opportunity for a hearing;

"(B) impose sanctions upon the violating applicant selected, subject to review and determination on the record after opportunity for a hearing;

"(C) permit the violating applicant selected to continue to participate in the program; or

"(D) take any other actions that the Secretary considers appropriate.

"(c) Civil Money Penalties.—

"(1) In general.—Whenever any employee of the Department knowingly and materially violates the prohibition in subsection (a), the Secretary may impose a civil money penalty on the employee in accordance with the provisions of this subsection. This penalty shall be in addition to any other available civil remedy or any available criminal penalty and may be imposed whether or not the Secretary takes other disciplinary actions.

"(2) Amount.—The amount of the penalty, as determined by the Secretary, may not exceed $10,000 for each violation.

"(3) Agency procedures.—

"(A) Establishment.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under this subsection. The standards and procedures—

"(i) shall provide for the Secretary or other official of the Department to make the determination to impose a penalty or to use an administrative entity to make the determination;

"(ii) shall provide for the imposition of a penalty only after the employee has been given an opportunity for a hearing on the record; and

"(iii) may provide for review of any determination or order, or interlocutory ruling, arising from a hearing.

"(B) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable order. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(C) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under paragraph (2), consideration shall be given to such factors as the gravity of the offense, any history of prior disclosures of information on pending funding decisions made after the date of enactment of this section, ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(D) REVIEWABILITY OF IMPOSITION OF A PENALTY.—The Secretary's determination or order imposing a penalty under paragraph (1) shall not be subject to review, except as provided in paragraph (4).

"(4) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(A) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under paragraph (3)(A), an employee against whom the Secretary has imposed a civil money penalty under paragraph (1) may obtain a review of the penalty and such ancillary issues (such as any administrative sanctions under 24 C.F.R. part 25) as may be addressed in the notice of determination to impose a penalty under paragraph (3)(A)(i) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's order or determination be modified or be set aside in whole or in part.

"(B) OBJECTIONS NOT RAISED IN HEARING.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to paragraph (3)(A) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

"(C) SCOPE OF REVIEW.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(D) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(5) **Action to collect penalty.**—If any employee fails to comply with the Secretary's determination or order imposing a civil money penalty under paragraph (1), after the determination or order is no longer subject to review as provided by paragraphs (3)(A) and (4), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the employee and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(6) **Settlement by secretary.**—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this subsection.

"(7) **Deposit of penalties.**—The Secretary shall deposit all civil money penalties collected under this subsection into miscellaneous receipts of the Treasury.

"(d) **Criminal Penalties.**—Whoever willfully violates subsection (a) by making a disclosure prohibited by subsection (a) to any applicant, or any officer, employee, representative, agent, or consultant of any applicant, shall be imprisoned not more than 5 years, or fined in accordance with title 18, United States Code, or both.

"(e) **Definitions.**—For purposes of this section:

"(1) **Applicant.**—The term 'applicant' means any applicant or candidate that is being considered for receiving assistance.

"(2) **Assistance.**—The term 'assistance' means any grant, loan, subsidy, guarantee, or other financial assistance under a program administered by the Secretary that provides by statute, regulation, or otherwise for the competitive distribution of such assistance. The term does not include any mortgage insurance provided under a program administered by the Secretary.

"(3) **Covered selection information.**—The term 'covered selection information' means—

"(A) any information that is contained in any application or request for assistance, or any information regarding the decision of the Secretary to make available assistance or other information that is determined by the Secretary to be information that is not generally available to the public (not including program requirements and timing of the decision to make assistance available); and

"(B) any information that is required by statute, regulation, or order to be confidential.

"(4) **Knowingly.**—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(5) **Selection.**—The term 'selection' means the determination of which applicants for assistance are to receive assistance under the program.

"(6) **Selection process.**—The term 'selection process' means the period with respect to a selection for assistance that begins with the development, preparation, and issuance of a solicitation or request for applications for the assistance and concludes with the selection of recipients of assistance, and includes the evaluation of applications.

"(f) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(g) APPLICABILITY.—This section shall apply only with respect to violations that occur on or after the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989.".

SEC. 104. REFORM OF HEADQUARTERS RESERVE.

42 USC 1439.

(a) FUNDING CATEGORIES.—Section 213(d)(4) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(4)(A) Notwithstanding any other provision of law, with respect to fiscal years beginning after September 30, 1990, the Secretary may retain not more than 5 percent of the financial assistance that becomes available under programs described in subsection (a)(1) during any fiscal year. Any such financial assistance that is retained shall be available for subsequent allocation to specific areas and communities, and may only be used for—

Disaster assistance.

"(i) unforeseen housing needs resulting from natural and other disasters;

"(ii) housing needs resulting from emergencies, as certified by the Secretary, other than such disasters;

"(iii) housing needs resulting from the settlement of litigation; and

Desegregation.

"(iv) housing in support of desegregation efforts.

"(B) Any amounts retained in any fiscal year under subparagraph (A) that are unexpended at the end of such fiscal year shall remain available for the following fiscal year under the program under subsection (a)(1) from which the amount was retained. Such amounts shall be allocated on the basis of the formula under subsection (d)(1).".

42 USC 1439 note.

(b) EFFECTIVE DATE.—Any assistance made available under section 213(d)(4) of the Housing and Community Development Act of 1974 before October 1, 1990, or pursuant to a commitment for such assistance entered into before such date, shall be governed by the provisions of section 213(d)(4) as such section existed before the date of the enactment of this Act.

Contracts.
42 USC 1437aa note.

(c) INDIAN HOUSING.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by subsection (a) and the provisions of subsection (b) of this section shall also apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

SEC. 105. REFORM OF CDBG DISCRETIONARY FUND AND PROVISION OF TECHNICAL ASSISTANCE.

42 USC 5307.

(a) SPECIAL PURPOSE GRANTS.—Section 107(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "in a special discretionary fund" in the first sentence; and

(2) by striking all that follows the period at the end of the second sentence.

(b) AUTHORIZED USES.—Section 107(b) of the Housing and Community Development Act of 1974 is amended—

(1) by striking paragraphs (1) and (3);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon;

(3) by redesignating paragraphs (2) and (5) (as amended) as paragraphs (1) and (2), respectively; and

(4) by inserting after paragraph (2) (as so redesignated) the following new paragraph:

"(3) to historically Black colleges; and"; and

Schools and colleges.

(5) in paragraph (4)—

(A) by striking "and" after the third semicolon and all that follows through "and" after the fourth semicolon; and

(B) by striking "and" at the end and inserting the following: "for purposes of this paragraph the term 'technical assistance' means the facilitating of skills and knowledge in planning, developing, and administering activities under this title in entities that may need but do not possess such skills and knowledge, and includes assessing programs and activities under this title; except that any recipient of a grant under this paragraph that provides technical assistance pursuant to this paragraph shall provide for the notification of the availability of such assistance and shall have specific criteria for selection of recipients of such assistance that are published and publicly available.".

(c) FUNDING CRITERIA.—Section 107 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection:

42 USC 5307.

"(f) Any grant made under this section shall be made pursuant to criteria for selection of recipients of such grants that the Secretary shall by regulation establish and which the Secretary shall publish together with any notification of availability of amounts under this section.".

Grants. Regulations.

(d) APPLICABILITY.—

42 USC 5307 note. Grants.

(1) IN GENERAL.—Except as provided in this paragraph and paragraph (2), the amendments made by this section shall apply with respect to any grants made under section 107 of the Housing and Community Development Act of 1974 on or after the date of the enactment of this Act, except a grant made under the third sentence of section 107(a) of Housing and Community Development Act of 1974, as such sentence existed immediately before such date, and grants for specific activities (referred to in House Report Number 101-297) pursuant to the amount appropriated for use under section 107 by the enactment of the bill, H.R. 2916, of the One Hundred First Congress.

(2) PRIOR GRANTS.—Any grant made under section 107 of the Housing and Community Development Act of 1974 before the date of the enactment of this Act or pursuant to a grant award notification made before such date shall be governed by the provisions of such section as it existed immediately before the date of the enactment of this Act.

(e) CONFORMING AMENDMENT.—The section heading of section 107 of the Housing and Community Development Act of 1974 is amended to read as follows:

"SPECIAL PURPOSE GRANTS".

SEC. 106. WAIVER OF REGULATION REQUIREMENTS AND HANDBOOK PROVISIONS.

42 USC 3535.

Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end the following new subsection:

"(q)(1) Any waiver of regulations of the Department shall be in writing and shall specify the grounds for approving the waiver.

"(2) The Secretary may delegate authority to approve a waiver of a regulation only to an individual of Assistant Secretary rank or equivalent rank, who is authorized to issue the regulation to be waived.

Federal Register, publication.

"(3) The Secretary shall notify the public of all waivers of regulations approved by the Department. The notification shall be included in a notice in the Federal Register published not less than quarterly. Each notification shall cover the period beginning on the day after the last date covered by the prior notification, and shall—

"(A) identify the project, activity, or undertaking involved;

"(B) describe the nature of the requirement that has been waived and specify the provision involved;

"(C) specify the name and title of the official who granted the waiver request;

"(D) include a brief description of the grounds for approval of the waiver; and

"(E) state how more information about the waiver and a copy of the request and the approval may be obtained.

"(4) Any waiver of a provision of a handbook of the Department shall—

"(A) be in writing;

"(B) specify the grounds for approving the waiver; and

Public information.

"(C) be maintained in indexed form and made available for public inspection for not less than the 3-year period beginning on the date of the waiver.".

Loans.

SEC. 107. CIVIL MONEY PENALTIES AGAINST MORTGAGEES AND LENDERS.

(a) IN GENERAL.—Title V of the National Housing Act is amended by adding at the end the following new section:

"CIVIL MONEY PENALTIES AGAINST MORTGAGEES AND LENDERS

12 USC 1735f-14.

"SEC. 536. (a) IN GENERAL.—

"(1) AUTHORITY.—Whenever a mortgagee approved under this Act, or a lender holding a contract of insurance under title I of this Act, knowingly and materially violates any of the provisions of subsection (b), the Secretary may impose a civil money penalty on the mortgagee or lender in accordance with the provisions of this section. The penalty shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions.

"(2) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Secretary, may not exceed $5,000 for each violation, except that the maximum penalty for all violations by any particular mortgagee or lender during any 1-year period shall not exceed $1,000,000. Each violation of a provision of subsection (b)(1) shall constitute a separate violation with respect to each mortgage or loan application. In the case of a continuing violation, as determined by the Secretary, each day shall constitute a separate violation.

"(b) Violations for Which a Penalty May Be Imposed.—

"(1) Violations.—The Secretary may impose a civil money penalty under subsection (a) for any knowing and material violation by a mortgagee or lender, as follows:

"(A) Except where expressly permitted by statute, regulation, or contract approved by the Secretary, transfer of a mortgage insured under this Act to a mortgagee not approved by the Secretary, or transfer of a loan to a transferee that is not holding a contract of insurance under title I of this Act.

"(B) Failure of a nonsupervised mortgagee, as defined by the Secretary—

"(i) to segregate all escrow funds received from a mortgagor for ground rents, taxes, assessments, and insurance premiums; or

"(ii) to deposit these funds in a special account with a depository institution whose accounts are insured by the Federal Deposit Insurance Corporation through the Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations, or by the National Credit Union Administration.

"(C) Use of escrow funds for any purpose other than that for which they were received.

"(D) Submission to the Secretary of information that was false, in connection with any mortgage insured under this Act, or any loan that is covered by a contract of insurance under title I of this Act.

"(E) With respect to an officer, director, principal, or employee—

"(i) hiring such an individual whose duties will involve, directly or indirectly, programs administered by the Secretary, while that person was under suspension or withdrawal by the Secretary; or

"(ii) retaining in employment such an individual who continues to be involved, directly or indirectly, in programs administered by the Secretary, while that person was under suspension or withdrawal by the Secretary.

"(F) Falsely certifying to the Secretary or submitting to the Secretary a false certification by another person or entity.

"(G) Failure to comply with an agreement, certification, or condition of approval set forth on, or applicable to—

"(i) the application of a mortgagee or lender for approval by the Secretary; or

"(ii) the notification by a mortgagee or lender to the Secretary concerning establishment of a branch office.

"(H) Violation of any provisions of title I, II, or X (as such title existed immediately before the effective date of the Department of Housing and Urban Development Reform Act of 1989) of this Act or any implementing regulation or handbook that is issued under this Act.

"(2) Notification to attorney general.—Before taking action to impose a civil money penalty for a violation under paragraph (1)(D) or paragraph (1)(F), the Secretary shall inform the Attorney General of the United States.

"(c) Agency Procedures.—

"(1) Establishment.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsection (a). These standards and procedures—

"(A) shall provide for the Secretary to make the determination to impose the penalty or to use an administrative entity (such as the Mortgagee Review Board, established pursuant to section 202(c) of the National Housing Act) to make the determination;

"(B) shall provide for the imposition of a penalty only after the mortgagee or lender has been given an opportunity for a hearing on the record; and

"(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) Final orders.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(3) Factors in determining amount of penalty.—In determining the amount of a penalty under subsection (a), consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including those before enactment of this section), ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(4) Reviewability of imposition of penalty.—The Secretary's determination or order imposing a penalty under subsection (a) shall not be subject to review, except as provided in subsection (d).

"(d) Judicial Review of Agency Determination.—

"(1) In general.—After exhausting all administrative remedies established by the Secretary under subsection (c)(1), a mortgagee or lender against whom the Secretary has imposed a civil money penalty under subsection (a) may obtain a review of the penalty and such ancillary issues (such as any administrative sanctions under 24 C.F.R. part 25) as may be addressed in the notice of determination to impose a penalty under subsection (c)(1)(A) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's determination or order be modified or be set aside in whole or in part.

"(2) Objections not raised in hearing.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (c)(1) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at the hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of the additional evidence.

"(3) **Scope of review.**—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(4) **Order to pay penalty.**—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(e) **Action To Collect Penalty.**—If any mortgagee or lender fails to comply with the Secretary's determination or order imposing a civil money penalty under subsection (a), after the determination or order is no longer subject to review as provided by subsections (c)(1) and (d), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the mortgagee or lender and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(f) **Settlement by Secretary.**—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(g) **Definition of Knowingly.**—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(h) **Regulations.**—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(i) **Deposit of Penalties in Insurance Funds.**—Notwithstanding any other provision of law, all civil money penalties collected under this section shall be deposited in the appropriate insurance fund or funds established under this Act, as determined by the Secretary.".

12 USC 1735f-14 note.

(b) **Applicability.**—The amendment made by subsection (a) shall apply only with respect to—

(1) violations referred to in the amendment that occur on or after the effective date of this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation referred to in the amendment that occurs on or after such date.

Loans.

SEC. 108. CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS.

(a) **In General.**—Title V of the National Housing Act (as amended by the preceding provisions of this Act) is further amended by adding at the end the following new section:

"CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS

12 USC 1735f-15.

"**Sec. 537. (a) In General.**—The penalties set forth in this section shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the

Secretary imposes other administrative sanctions. The Secretary may not impose penalties under this section for violations a material cause of which are the failure of the Department, an agent of the Department, or a public housing agency to comply with existing agreements.

"(b) PENALTY FOR VIOLATION OF AGREEMENT AS CONDITION OF TRANSFER OF PHYSICAL ASSETS, FLEXIBLE SUBSIDY LOAN, CAPITAL IMPROVEMENT LOAN, MODIFICATION OF MORTGAGE TERMS, OR WORKOUT AGREEMENT.—

"(1) AUTHORITY.—Whenever a mortgagor of property that includes 5 or more living units and that has a mortgage insured, co-insured, or held pursuant to this Act, who has agreed in writing, as a condition of a transfer of physical assets, a flexible subsidy loan, a capital improvement loan, a modification of the mortgage terms, or a workout agreement, to use nonproject income to make cash contributions for payments due under the note and mortgage, for payments to the reserve for replacements, to restore the project to good physical condition, or to pay other project liabilities, knowingly and materially fails to comply with any of these commitments, the Secretary may impose a civil money penalty on that mortgagor in accordance with the provisions of this section.

"(2) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Secretary, for a violation of this subsection may not exceed the amount of the loss the Secretary would experience at a foreclosure sale, or a sale after foreclosure, of the property involved.

"(c) VIOLATIONS OF REGULATORY AGREEMENT FOR WHICH PENALTY MAY BE IMPOSED.—

Real property.

"(1) VIOLATIONS.—The Secretary may also impose a civil money penalty under this section on any mortgagor of property that includes 5 or more living units and that has a mortgage insured, co-insured, or held pursuant to this Act for any knowing and material violation of the regulatory agreement executed by the mortgagor, as follows:

"(A) Conveyance, transfer, or encumbrance of any of the mortgaged property, or permitting the conveyance, transfer, or encumbrance of such property, without the prior written approval of the Secretary.

"(B) Assignment, transfer, disposition, or encumbrance of any personal property of the project, including rents, or paying out any funds, except for reasonable operating expenses and necessary repairs, without the prior written approval of the Secretary.

"(C) Conveyance, assignment, or transfer of any beneficial interest in any trust holding title to the property, or the interest of any general partner in a partnership owning the property, or any right to manage or receive the rents and profits from the mortgaged property, without the prior written approval of the Secretary.

"(D) Remodeling, adding to, reconstructing, or demolishing any part of the mortgaged property or subtracting from any real or personal property of the project, without the prior written approval of the Secretary.

"(E) Requiring, as a condition of the occupancy or leasing of any unit in the project, any consideration or deposit other than the prepayment of the first month's rent, plus a security deposit in an amount not in excess of 1 month's rent, to guarantee the performance of the covenants of the lease.

"(F) Not holding any funds collected as security deposits separate and apart from all other funds of the project in a trust account, the amount of which at all times equals or exceeds the aggregate of all outstanding obligations under the account.

"(G) Payment for services, supplies, or materials which exceeds $500 and substantially exceeds the amount ordinarily paid for such services, supplies, or materials in the area where the services are rendered or the supplies or materials furnished.

"(H) Failure to maintain at any time the mortgaged property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and other related papers (including failure to keep copies of all written contracts or other instruments which affect the mortgaged property) in reasonable condition for proper audit and for examination and inspection at any reasonable time by the Secretary or any duly authorized agents of the Secretary.

"(I) Failure to maintain the books and accounts of the operations of the mortgaged property and of the project in accordance with requirements prescribed by the Secretary.

"(J) Failure to furnish the Secretary, by the expiration of the 60-day period beginning on the 1st day after the completion of each fiscal year, with a complete annual financial report based upon an examination of the books and records of the mortgagor prepared and certified to by an independent public accountant or a certified public accountant and certified to by an officer of the mortgagor, unless the Secretary has approved an extension of the 60-day period in writing. The Secretary shall approve an extension where the mortgagor demonstrates that failure to comply with this subparagraph is due to events beyond the control of the mortgagor.

"(K) At the request of the Secretary, the agents of the Secretary, the employees of the Secretary, or the attorneys of the Secretary, failure to furnish monthly occupancy reports or failure to provide specific answers to questions upon which information is sought relative to income, assets, liabilities, contracts, the operation and condition of the property, or the status of the mortgage.

"(L) Failure to make promptly all payments due under the note and mortgage, including mortgage insurance premiums, tax and insurance escrow payments, and payments to the reserve for replacements when there is adequate project income available to make such payments.

The pay out of surplus cash, as defined by and provided for in the regulatory agreement, shall not constitute a violation of such agreement.

"(2) AMOUNT OF PENALTY.—A penalty imposed for a violation under this subsection, as determined by the Secretary, may not exceed $25,000.

"(d) AGENCY PROCEDURES.—

"(1) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsections (b) and (c). These standards and procedures—

"(A) shall provide for the Secretary or other department official (such as the Assistant Secretary for Housing) to make the determination to impose a penalty;

"(B) shall provide for the imposition of a penalty only after the mortgagor has been given an opportunity for a hearing on the record; and

"(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under subsection (b) or (c), consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including offenses occurring before enactment of this section), ability to pay the penalty, injury to the tenants, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(4) REVIEWABILITY OF IMPOSITION OF PENALTY.—The Secretary's determination or order imposing a penalty under subsection (b) or (c) shall not be subject to review, except as provided in subsection (e).

"(e) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(1) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under subsection (d)(1), a mortgagor against whom the Secretary has imposed a civil money penalty under subsection (b) or (c) may obtain a review of the penalty and such ancillary issues as may be addressed in the notice of determination to impose a penalty under subsection (d)(1)(A) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's order or determination be modified or be set aside in whole or in part.

"(2) OBJECTIONS NOT RAISED IN HEARING.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (d)(1) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

"(3) Scope of review.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(4) Order to pay penalty.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(f) Action To Collect Penalty.—If a mortgagor fails to comply with the Secretary's determination or order imposing a civil money penalty under subsection (b) or (c), after the determination or order is no longer subject to review as provided by subsections (d)(1) and (e), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the mortgagor and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(g) Settlement by Secretary.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(h) Definition of Knowingly.—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(i) Regulations.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(j) Deposit of Penalties in Insurance Funds.—Notwithstanding any other provision of law, all civil money penalties collected under this section shall be deposited in the fund established under section 201(j) of the Housing and Community Development Amendments of 1978.".

12 USC 1735f-15 note.

(b) Applicability.—The amendment made by subsection (a) shall apply only with respect to violations referred to in the amendment that occur on or after the effective date of this section.

Loans.

SEC. 109. CIVIL MONEY PENALTIES AGAINST SECTION 202 MORTGAGORS.

(a) In General.—Title II of the Housing Act of 1959 is amended by inserting after section 202 the following new section:

"CIVIL MONEY PENALTIES AGAINST SECTION 202 MORTGAGORS

12 USC 1701q-1.

"Sec. 202a. (a) In General.—The penalties set forth in this section shall be in addition to any other available civil remedy or criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions. The Secretary may not impose penalties under this section for violations a material cause of which are the failure of the Department, an agent of the Department, or a public housing agency to comply with existing agreements.

"(b) Penalty for Violation of Agreement as Condition of Transfer of Physical Assets, Flexible Subsidy Loan, Capital Improvement Loan, Modification of Mortgage Terms, or Workout Agreement.—

Real property.

"(1) In general.—Whenever a mortgagor of property that includes 5 or more living units and that has a mortgage held pursuant to section 202, who has agreed in writing, as a condition of a transfer of physical assets, a flexible subsidy loan, a capital improvement loan, a modification of the mortgage terms, or a workout agreement, to use nonproject income to make cash contributions for payments due under the note and mortgage, for payments to the reserve for replacements, to restore the project to good physical condition, or to pay other project liabilities, knowingly and materially fails to comply with any of these commitments, the Secretary may impose a civil money penalty on the mortgagor in accordance with the provisions of this section.

"(2) AMOUNT.—The amount of the penalty, as determined by the Secretary, for a violation of this subsection may not exceed the amount of the loss the Secretary would incur at a foreclosure sale, or sale after foreclosure, with respect to the property involved.

Real property.

"(c) VIOLATIONS OF REGULATORY AGREEMENT.—

"(1) IN GENERAL.—The Secretary may also impose a civil money penalty on a mortgagor or property that includes 5 or more living units and that has a mortgage held pursuant to section 202 for any knowing and material violation of the regulatory agreement executed by the mortgagor, as follows:

"(A) Conveyance, transfer, or encumbrance of any of the mortgaged property, or permitting the conveyance, transfer, or encumbrance of such property, without the prior written approval of the Secretary.

"(B) Assignment, transfer, disposition, or encumbrance of any personal property of the project, including rents, or paying out any funds, except for reasonable operating expenses and necessary repairs, without the prior written approval of the Secretary.

"(C) Conveyance, assignment, or transfer of any beneficial interest in any trust holding title to the property, or the interest of any general partner in a partnership owning the property, or any right to manage or receive the rents and profits from the mortgaged property, without the prior written approval of the Secretary.

"(D) Remodeling, adding to, reconstructing, or demolishing any part of the mortgaged property or subtracting from any real or personal property of the project, without the prior written approval of the Secretary.

"(E) Requiring, as a condition of the occupancy or leasing of any unit in the project, any consideration or deposit other than the prepayment of the first month's rent, plus a security deposit in an amount not in excess of 1 month's rent, to guarantee the performance of the covenants of the lease.

"(F) Not holding any funds collected as security deposits separate and apart from all other funds of the project in a trust account, the amount of which at all times equals or exceeds the aggregate of all outstanding obligations under the account.

"(G) Payment for services, supplies, or materials which exceeds $500 and substantially exceeds the amount ordinarily paid for such services, supplies, or materials in the area where the services are rendered or the supplies or materials furnished.

"(H) Failure to maintain at any time the mortgaged property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and other related papers (including failure to keep copies of all written contracts or other instruments which affect the mortgaged property) in reasonable condition for proper audit and for examination and inspection at any reasonable time by the Secretary or any duly authorized agents of the Secretary.

"(I) Failure to maintain the books and accounts of the operations of the mortgaged property and of the project in accordance with requirements prescribed by the Secretary.

"(J) Failure to furnish the Secretary, by the expiration of the 60-day period beginning on the 1st day after the completion of each fiscal year, with a complete annual financial report based upon an examination of the books and records of the mortgagor prepared in accordance with requirements prescribed by the Secretary, and prepared and certified to by an independent public accountant or a certified public accountant and certified to by an officer of the mortgagor, unless the Secretary has approved an extension of the 60-day period in writing. The Secretary shall approve an extension where the mortgagor demonstrates that failure to comply with this subparagraph is due to events beyond the control of the mortgagor.

"(K) At the request of the Secretary, the agents of the Secretary, the employees of the Secretary, or the attorneys of the Secretary, failure to furnish monthly occupancy reports or failure to provide specific answers to questions upon which information is sought relative to income, assets, liabilities, contracts, the operation and condition of the property, or the status of the mortgage.

"(L) Failure to make promptly all payments due under the note and mortgage, including tax and insurance escrow payments, and payments to the reserve for replacements when there is adequate project income available to make such payments.

"(M) Amending the articles of incorporation or bylaws, other than as permitted under the terms of the articles of incorporation as approved by the Secretary, without the prior written approval of the Secretary.

"(2) AMOUNT OF PENALTY.—A penalty imposed for a violation under this subsection, as determined by the Secretary, may not exceed $25,000 for a violation of any of the subparagraphs of paragraph (1).

"(d) AGENCY PROCEDURES.—

"(1) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsections (b) and (c). These standards and procedures—

"(A) shall provide for the Secretary or other department official (such as the Assistant Secretary for Housing) to make the determination to impose a penalty;

"(B) shall provide for the imposition of a penalty only after the mortgagor has been given an opportunity for a hearing on the record; and

"(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under subsection (b) or (c), consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including offenses occurring before enactment of this section), ability to pay the penalty, injury to the tenants, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(4) REVIEWABILITY OF IMPOSITION OF PENALTY.—The Secretary's determination or order imposing a penalty under subsection (b) or (c) shall not be subject to review, except as provided in subsection (e).

"(e) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(1) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under subsection (d)(1), a mortgagor against whom the Secretary has imposed a civil money penalty under subsection (b) or (c) may obtain a review of the penalty and such ancillary issues as may be addressed in the notice of determination to impose a penalty under subsection (d)(1)(A) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's order or determination be modified or be set aside in whole or in part.

"(2) OBJECTIONS NOT RAISED IN HEARING.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (d)(1) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

"(3) SCOPE OF REVIEW.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(4) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(f) ACTION TO COLLECT PENALTY.—If a mortgagor fails to comply with the Secretary's determination or order imposing a civil money penalty under subsection (b) or (c), after the determination or order is no longer subject to review as provided by subsections (d)(1) and (e), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the mortgagor and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

12 USC 1701q-1 note.

"(g) SETTLEMENT BY SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(h) DEFINITION OF KNOWINGLY.—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(i) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(j) DEPOSIT OF PENALTIES IN INSURANCE FUNDS.—Notwithstanding any other provision of law, all civil money penalties collected under this section shall be deposited in the fund established under section 201(j) of the Housing and Community Development Amendments of 1978.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only with respect to violations referred to in the amendment that occur on or after the effective date of this section.

(c) CONFORMING AMENDMENT.—Section 201(j)(2) of the Housing and Community Development Amendments of 1978 is amended—

12 USC 1715z-1a.

(1) by striking "and" before "(D)"; and

(2) by inserting before the period at the end the following: ", and (E) any amount received by the Secretary pursuant to section 537 of the National Housing Act and section 202a of the Housing Act of 1959".

SEC. 110. CIVIL MONEY PENALTIES AGAINST GNMA ISSUERS.

Loans.

(a) IN GENERAL.—Title III of the National Housing Act is amended by adding at the end the following new section:

"CIVIL MONEY PENALTIES AGAINST ISSUERS

"SEC. 317. (a) IN GENERAL.—

12 USC 1723i.

"(1) AUTHORITY.—Whenever an issuer or custodian approved under section 306(g) knowingly and materially violates any provisions of subsection (b), the Secretary of Housing and Urban Development may impose a civil money penalty on the issuer or the custodian in accordance with the provisions of this section The penalty shall be in addition to any other available civil remedy or any available criminal penalty and may be imposed whether or not the Secretary imposes other administrative sanctions.

"(2) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Secretary, may not exceed $5,000 for each violation, except that the maximum penalty for all violations by a particular issuer or custodian during any one-year period shall not exceed $1,000,000. Each violation of a provision of subsection (b)(1) shall constitute a separate violation with respect to each pool of mortgages. In the case of a continuing violation, as determined by the Secretary, each day shall constitute a separate violation.

"(b) VIOLATIONS FOR WHICH A PENALTY MAY BE IMPOSED.—

"(1) VIOLATIONS.—The violations by an issuer or a custodian for which the Secretary may impose a civil money penalty under subsection (a) are the following:

"(A) Failure to make timely payments of principal and interest to holders of securities guaranteed under section 306(g).

"(B) Failure to segregate cash flow from pooled mortgages or to deposit either principal and interest funds or escrow funds into special accounts with a depository institution whose accounts are insured by the National Credit Union Administration or by the Federal Deposit Insurance Corporation through the Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations.

"(C) Use of escrow funds for any purpose other than that for which they were received.

"(D) Transfer of servicing for a pool of mortgages to an issuer not approved under this title, unless expressly permitted by statute, regulation, or contract approved by the Secretary.

"(E) Failure to maintain a minimum net worth in accordance with requirements prescribed by the Association;

"(F) Failure to promptly notify the Association in writing of any changes that materially affect the business status of an issuer.

"(G) Submission to the Association of false information in connection with any securities guaranteed, or mortgages pooled, under section 306(g).

"(H) Hiring, or retaining in employment, an officer, director, principal, or employee whose duties involve, directly or indirectly, programs administered by the Association while such person was under suspension or debarment by the Secretary.

"(I) Submission to the Association of a false certification either on its own behalf or on behalf of another person or entity.

"(J) Failure to comply with an agreement, certification, or condition of approval set forth on, or applicable to, the application for approval as an issuer of securities under section 306(g).

"(K) Violation of any provisions of this title or any implementing regulation, handbook, or participant letter issued under authority of this title.

"(2) NOTIFICATION TO ATTORNEY GENERAL.—Before taking action to impose a civil money penalty for a violation under paragraph (1)(G) or paragraph (1)(I), the Secretary shall inform the Attorney General of the United States.

"(c) AGENCY PROCEDURES.—

"(1) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsection (a). The standards and procedures—

"(A) shall provide for the Secretary to make the determination to impose the penalty;

"(B) shall provide for the imposition of a penalty only after an issuer or a custodian has been given notice of, and opportunity for, a hearing on the record; and

"(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of a notice of opportunity for hearing, the imposition of a penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under subsection (a), consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including offenses occurring before enactment of this section), ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine by regulations.

"(4) REVIEWABILITY OF IMPOSITION OF PENALTY.—The Secretary's determination or order imposing a penalty under subsection (a) shall not be subject to review, except as provided in subsection (d).

"(d) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(1) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under subsection (c)(1), an issuer or a custodian against which the Secretary has imposed a civil money penalty under subsection (a) may obtain a review of the penalty and such ancillary issues as may be addressed in the notice provided under subsection (c)(1)(A) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's order or determination be modified or be set aside in whole or in part.

"(2) OBJECTIONS NOT RAISED IN HEARING.—A court shall not consider any objection that was not raised in the hearing conducted pursuant to subsection (c)(1) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence, which was not presented at such hearing, is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

"(3) SCOPE OF REVIEW.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(4) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, the court shall have the power in any such review to order payment of the penalty imposed by the Secretary.

"(e) ACTION TO COLLECT PENALTY.—If any issuer or custodian fails to comply with the Secretary's determination or order imposing a civil money penalty under subsection (a), after the determination or order is no longer subject to review as provided by subsections (c)(1) and (d), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the issuer or custodian and such other relief as may be available. The monetary judgment may, in the discretion of the court, include any attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(f) Settlement by Secretary.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(g) Definition of Knowingly.—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(h) Regulations.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(i) Deposit of Penalties.—The Secretary shall deposit all civil money penalties collected under this section into moneys of the Association pursuant to section 307.".

12 USC 1723i note.

(b) Applicability.—The amendment made by subsection (a) shall apply only with respect to—

(1) violations referred to in the amendment that occur on or after the effective date of this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation referred to in the amendment that occurs on or after such date.

SEC. 111. CIVIL MONEY PENALTIES FOR VIOLATIONS OF INTERSTATE LAND SALES FULL DISCLOSURE ACT.

(a) In General.—The Interstate Land Sales Full Disclosure Act is amended by inserting after section 1418 the following new section:

"CIVIL MONEY PENALTIES

15 USC 1717a.

"Sec. 1418a. (a) In General.—

"(1) Authority.—Whenever any person knowingly and materially violates any of the provisions of this title or any rule, regulation, or order issued under this title, the Secretary may impose a civil money penalty on such person in accordance with the provisions of this section. The penalty shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions.

"(2) Amount of penalty.—The amount of the penalty, as determined by the Secretary, may not exceed $1,000 for each violation, except that the maximum penalty for all violations by a particular person during any 1-year period shall not exceed $1,000,000. Each violation of this title, or any rule, regulation, or order issued under this title, shall constitute a separate violation with respect to each sale or lease or offer to sell or lease. In the case of a continuing violation, as determined by the Secretary, each day shall constitute a separate violation.

"(b) Agency Procedures.—

"(1) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under subsection (a). The standards and procedures—

"(A) shall provide for the imposition of a penalty only after a person has been given an opportunity for a hearing on the record; and

"(B) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under subsection (a), consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including offenses occurring before enactment of this section), ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(4) REVIEWABILITY OF IMPOSITION OF PENALTY.—The Secretary's determination or order imposing a penalty under subsection (a) shall not be subject to review, except as provided in subsection (c).

"(c) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(1) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under subsection (b)(1), a person aggrieved by a final order of the Secretary assessing a penalty under this section may seek judicial review pursuant to section 1411.

"(2) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(d) ACTION TO COLLECT PENALTY.—If any person fails to comply with the determination or order of the Secretary imposing a civil money penalty under subsection (a), after the determination or order is no longer subject to review as provided by subsections (b) and (c), the Secretary may request the Attorney General of the United States to bring an action in any appropriate United States district court to obtain a monetary judgment against the person and such other relief as may be available. The monetary judgment may, in the discretion of the court, include any attorneys fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(e) SETTLEMENT BY SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(f) DEFINITION OF KNOWINGLY.—The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(g) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this section.

"(h) USE OF PENALTIES FOR ADMINISTRATION.—Civil money penalties collected under this section shall be paid to the Secretary and, upon approval in an appropriation Act, may be used by the Secretary to cover all or part of the cost of rendering services under this title.".

15 USC 1717a note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only with respect to—

(1) violations referred to in the amendment that occur on or after the effective date of this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of violation referred to in the amendment that occurs on or after such date.

SEC. 112. REGISTRATION OF CONSULTANTS.

The Department of Housing and Urban Development Act, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"REGISTRATION OF CONSULTANTS

42 USC 3537b.

"SEC. 13. (a) RECORD OF EXPENDITURES.—

"(1) REQUIREMENT TO MAINTAIN.—Each person who makes an expenditure to influence the decision of any officer or employee of the Department, through communication with such officer or employee, with respect to—

"(A) the award of any financial assistance within the jurisdiction of the Department, or

"(B) any management action involving a change in the terms and conditions or status of financial assistance awarded to any person,

shall keep records, as required by this section. The preceding sentence shall not apply to expenditures incurred in complying with conditions, requirements, or procedures imposed by the Secretary in connection with any financial assistance.

"(2) COVERED INFORMATION.—Each person referred to in paragraph (1) shall keep a detailed and exact account of—

"(A) all such expenditures made by or on behalf of such person; and

"(B) the name and address of every person to whom any such expenditure is made and the date of the expenditure.

"(3) MAINTENANCE OF RECORDS.—Each person making such an expenditure shall obtain a bill, stating the particulars, for every such expenditure, and shall retain all records required by this section for not less than the 2-year period beginning on the date of the filing of the report required by subsection (b), which shall include the information under paragraph (2).

"(4) LIMITATION OF FEES.—Any person engaged for pay or other consideration for the purpose of attempting to influence any award or allocation of financial assistance within the jurisdiction of the Department shall not seek or receive any fee that is—

"(A) based on the amount of assistance or number of units that may be provided by the Secretary, or

"(B) contingent on an award of assistance by the Secretary, except where—

"(i) services are provided to a nonprofit entity applying for such award or allocation of assistance; and

"(ii) professional services related to a project are donated in whole or in part to a nonprofit entity in the event assistance for a project is not awarded.

"(b) REPORTS OF EXPENDITURES FILED WITH THE SECRETARY.—

"(1) REPORT.—Each person making an expenditure for the purposes designated in subsection (a)(1) shall file with the Secretary, between the 1st and 10th day of each calendar year, a report specifying the total expenditures made by or on behalf of such person during the year and the information required by subsection (a)(2)(B).

"(2) REGULAR EMPLOYEES.—The requirements of this subsection shall not apply in the case of a payment of reasonable compensation made to any regularly employed officer or employee of the person who requests or receives assistance within the jurisdiction of the Department, or who is involved in any management action with respect to such assistance.

"(3) MINIMUM DOLLAR REQUIREMENTS.—The requirements of this subsection shall not apply to any person whose total expenditures for purposes described in subparagraphs (A) and (B) of subsection (a)(1) are less than $10,000 in any calendar year.

"(4) FILING AND RETENTION.—A report required by this subsection—

"(A) shall be considered properly filed when deposited in a post office within the prescribed time, stamped, registered, and addressed to the Secretary, but if the Secretary does not receive the report, the person shall promptly file a duplicate report when the Secretary notifies the person that the original report has not been received; and

Public information.

"(B) shall be retained by the Secretary for the 2-year period beginning on the date of filing, shall constitute part of the public records of the Department, and shall be open to public inspection.

Federal Register, publication.

"(5) PUBLICATION OF INFORMATION.—The Secretary shall compile all expenditure information as soon as practicable after the close of the calendar year with respect to which the information is filed and shall publish it as a notice in the Federal Register.

"(c) REGISTRATION BY PERSONS ATTEMPTING TO INFLUENCE DEPARTMENT DECISIONS.—

Reports.

"(1) REQUIREMENT AND INFORMATION.—Each person receiving payment or any consideration for the purpose described in subsection (a)(1), shall, not later than 14 days after being retained for such purpose, register with the Secretary. The registration shall be in writing and shall include the name and business address of the registrant, the name and address of the registrant's employer and of any person or entity in whose interest the registrant appears or works, and a statement of whether the registrant has been employed by the Federal Government during the 2-year period ending on the date of the registration and in what capacity. Each registrant shall, between the 1st and 10th day of each calendar year, file with the

Secretary a detailed report of all money received and expended by the registrant during the preceding year in carrying out the work, including information as to whom money was paid, and for what purposes.

"(2) MINIMUM DOLLAR REQUIREMENT.—The requirements of the last sentence of paragraph (1) shall not apply with respect to any calendar year to any person whose total compensation for attempting to influence a decision with respect to assistance within the jurisdiction of the Department or a management action with respect to such assistance is less than $10,000 in such year.

Federal Register, publication.

"(3) PUBLICATION OF INFORMATION.—The Secretary shall compile all registration information as soon as practicable after the close of the calendar year with respect to which the information is filed and shall publish it annually as a notice in the Federal Register.

"(d) CIVIL MONEY PENALTIES.—

"(1) AUTHORITY.—Whenever any person knowingly fails to file a report required under subsection (b), or any person knowingly fails to register and file a report required under subsection (c), the Secretary may impose a civil money penalty on that person in accordance with the provisions of this subsection. The penalty shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions.

"(2) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Secretary, shall not exceed the greater of—

"(A) $10,000 for each violation; or

"(B) the total amount received for any services performed for any applicant to which the violation under paragraph (1) relates.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this subsection, consideration shall be given to such factors as the gravity of the offense, any history of prior offenses (including offenses occurring before enactment of this section), ability to pay the penalty, injury to the public, benefits received, deterrence of future violations, and such other factors as the Secretary may determine in regulations to be appropriate.

"(4) AGENCY PROCEDURES.—

"(A) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under paragraph (1). These standards and procedures shall—

"(i) provide for the Secretary or other department official to make the determination to impose the penalty or for use of an administrative entity to make the determination;

"(ii) provide for the imposition of a penalty only after the person has been given an opportunity for a hearing on the record; and

"(iii) provide for review of any determination or order, or interlocutory ruling, arising from a hearing.

"(B) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(C) Reviewability of imposition of penalty.—The Secretary's determination or order imposing a penalty under paragraph (1) shall not be subject to review, except as provided in paragraph (5).

"(5) Judicial review of agency determination.—

"(A) In general.—After exhausting all administrative remedies established by the Secretary under paragraph (4)(A), a person against whom the Secretary has imposed a civil money penalty under paragraph (1) may obtain a review of the penalty and such ancillary issues as may be addressed in the notice of determination to impose a penalty under paragraph (4)(A)(i) in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's order or determination be modified or be set aside in whole or in part.

"(B) Objections not raised in hearing.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to paragraph (4)(A) unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at the hearing is material and that there are reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of such additional evidence.

"(C) Scope of review.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(D) Order to pay penalty.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order payment of the penalty imposed by the Secretary.

"(6) Action to collect penalty.—If any person fails to comply with the Secretary's determination or order imposing a civil money penalty under paragraph (1), after the determination or order is no longer subject to review as provided by paragraphs (4)(A) and (5), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against the person and such other relief as may be available. The monetary judgment may, in the discretion of the court, include any attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this paragraph, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review.

"(7) Settlement by secretary.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this subsection.

"(8) Deposit of penalties.—The Secretary shall deposit all civil money penalties collected under this subsection into miscellaneous receipts of the Treasury.

"(e) Prohibition on consulting activities.—

"(1) In general.—Whoever is fined under subsection (d) may be prohibited, for the 3-year period beginning on the date of the imposition of the fine, from receiving any payment or thing of value for performing any services (with respect to any application for financial assistance within the jurisdiction of the Department) for any applicant.

"(2) Criminal penalty.—Whoever violates the prohibition under paragraph (1) shall, upon conviction, be guilty of a felony and shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(f) Definitions.—For purposes of this section:

"(1) The term 'person' means an individual (including a consultant, lobbyist, or lawyer), corporation, company, association, authority, firm, partnership, society, State, local government, or any other organization or group of people.

"(2) The term 'expenditure' includes a payment, distribution, loan, advance, deposit, gift of money, or anything else of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

"(3) The term 'financial assistance within the jurisdiction of the Department' includes any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

"(4) The term 'knowingly' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.

"(5) The term 'reasonable compensation' means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to or not furnished in cooperation with the Department.

"(6) The term 'regularly employed' means, with respect to an officer or employee of a person requesting or receiving assistance within the jurisdiction of the Department or who is involved in a management action with respect to such assistance, an officer or employee who is employed by such person for at least 130 working days within one year immediately before the date of the submission that initiates departmental consideration of such person for receipt of such assistance, or the date of initiation of any management action.

"(g) Regulations.—The Secretary shall issue any regulations necessary to implement this section.

"(h) Effective Date.—This section shall take effect on the date specified in regulations implementing this section that are issued by the Secretary after notice and public comment. The regulations shall establish standards that include determinations of what types of activities constitute influence with respect to the decisions of the Department described in subsection (a)(1) (A) and (B).".

Subtitle B—Management Reform

SEC. 121. ESTABLISHMENT OF HUD CHIEF FINANCIAL OFFICER.

Section 4 of the Department of Housing and Urban Development Act is amended by adding at the end the following new subsection: 42 USC 3533.

"(e) There shall be in the Department a Chief Financial Officer, designated by the Secretary, who shall—

"(1) serve as the principal advisor to the Secretary on financial management;

"(2) develop and maintain a financial management system for the Department (including accounting and related transaction systems, internal control systems, financial reporting systems, credit, and cash and debt management);

"(3) supervise and coordinate all financial management activities and operations of the Department;

"(4) assist in the financial execution of the Department's budget in relation to actual expenditures and prepare timely performance reports for senior managers; and Reports.

"(5) issue such policies and directives as may be necessary to carry out this section.".

SEC. 122. ESTABLISHMENT OF FHA COMPTROLLER.

Section 4 of the Department of Housing and Urban Development Act, as amended by section 121, is further amended by adding at the end the following new subsection:

"(f) There shall be in the Department a Federal Housing Administration Comptroller, designated by the Secretary, who shall be responsible for overseeing the financial operations of the Federal Housing Administration.".

SEC. 123. EXPEDITING RULEMAKING.

Section 7(o) of the Department of Housing and Urban Development Act is amended— 42 USC 3535.

(1) in paragraph (2)(A)—

(A) by striking "first period of 15 calendar days of continuous session of Congress which occurs" in the first sentence and inserting "15-calendar day period beginning on the day"; and

(B) by striking "of continuous session" in the second sentence;

(2) in paragraph (2)(B), by striking "of continuous session of Congress";

(3) in paragraph (3)—

(A) by striking "first period of 30 calendar days of continuous session of Congress which occurs" in the first sentence and inserting "expiration of the 30-calendar day period beginning on the day"; and

(B) by striking all that follows the period at the end of the first sentence and inserting the following: "Any regulation implementing any provision of the Department of Housing and Urban Development Reform Act of 1989 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days."; and

(4) by striking paragraphs (5) and (6).

SEC. 124. FUNDING FOR PROGRAM EVALUATION AND MONITORING.

Section 7 of the Department of Housing and Urban Development Act, as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

"(r)(1) For the programs listed in paragraph (2), amounts appropriated under this subsection shall be available to the Secretary for evaluating and monitoring of all such programs (including all aspects of the public housing and section 202 programs). The Secretary shall expend amounts made available under this subsection in accordance with the need and complexity of evaluating and monitoring each such program.

"(2) The programs subject to this subsection shall be the programs authorized under—

"(A) titles I and II of the United States Housing Act of 1937;

"(B) section 202 of the Housing Act of 1959;

"(C) section 106 of the Housing and Urban Development Act of 1968;

"(D) the Fair Housing Act;

"(E) title I and section 810 of the Housing and Community Development Act of 1974;

"(F) section 201 of the Housing and Community Development Amendments of 1978;

"(G) the Congregate Housing Services Act of 1978;

"(H) section 222 of the Housing and Urban-Rural Recovery Act of 1983;

"(I) section 561 of the Housing and Community Development Act of 1987; and

"(J) title IV of the Stewart B. McKinney Homeless Assistance Act.

"(3) In conducting evaluations and monitoring pursuant to the authority under this subsection, the Secretary shall determine any need for additional staff and funding relating to evaluating and monitoring the programs under paragraph (2).

Grants.
Contracts.

"(4)(A) The Secretary may provide for evaluation and monitoring under this subsection directly or by grants, contracts, or interagency agreements. Not more than 50 percent of the amounts made available under paragraph (1) may be used for grants, contracts, or interagency agreements.

"(B) Any amounts not used for grants, contracts, or interagency agreements under subparagraph (A) shall be used in a manner that increases and strengthens the ability of the Department to monitor and evaluate the programs under paragraph (2) through officers and employees of the Department.

Reports.

"(5) Not later than December 31 of each year, the Secretary shall submit to the Congress a report regarding the use of amounts made available under this subsection during the fiscal year ending on September 30 of that year, including an analysis of the ability of the Department to monitor and evaluate the programs under paragraph (2) and a statement of any needs determined under paragraph (3).

Appropriation authorization.

"(6) There is authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 1991. Such amounts shall remain available until expended.".

Loans.

SEC. 125. REFINANCING OF SECTION 235 MORTGAGES.

12 USC 1715z.

(a) In General.—Section 235(r) of the National Housing Act is amended to read as follows:

"(r)(1) The Secretary is authorized, upon application of a mortgagee, to insure under this subsection a mortgage the proceeds of which are used to refinance a mortgage insured under this section.

Insurance.

"(2) To be eligible for insurance under this subsection, a mortgage must be executed by a mortgagor meeting the requirements of paragraph (3) and shall—

"(A) be a first lien on real estate held in fee simple, or on a leasehold under a lease—

"(i) for not less than 99 years which is renewable; or

"(ii) having a period of not less than 10 years to run beyond the maturity date of the mortgage;

"(B) have been made to, and held by, a mortgagee approved by the Secretary;

"(C) be in an amount not exceeding the outstanding principal balance, including any unpaid interest, due on the mortgage being refinanced;

"(D) have a maturity not exceeding the unexpired term of the mortgage being refinanced;

"(E) bear an interest rate not exceeding such percent per annum on the amount of the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets; to the extent that the amounts described in paragraphs (4) (A) and (B) are not otherwise paid by the Secretary, the foregoing interest rate may be increased, in the discretion of the Secretary, to compensate the mortgagee for its payment to, or on behalf of, the mortgagor of such amounts; and

"(F) meet the criteria for refinancing as determined by the Secretary.

"(3) Notwithstanding the provisions of subsection (h)(2), assistance payments in connection with mortgages insured under paragraph (2) shall be made only with respect to a family who is eligible for, and receiving assistance payments with respect to, the insured mortgage being refinanced.

"(4) The Secretary is authorized and, to the extent provided in appropriation Acts, may pay to the mortgagor (directly, through the mortgagee, or otherwise)—

"(A) an amount, as approved by the Secretary, as an incentive to the mortgagor to refinance a mortgage insured under this section; and

"(B) an amount as approved by the Secretary for costs incurred in connection with the refinancing, including but not limited to discounts, loan origination fees, and closing costs.

Contracts.

"(5) Amounts of budget authority required for assistance payments contracts with respect to mortgages insured under this subsection shall be derived from amounts recaptured from assistance payments contracts relating to mortgages that are being refinanced. For purposes of subsection (c)(3)(A), the amount of recaptured budget authority that the Secretary commits for assistance payments contracts relating to mortgages insured under this subsection shall not be construed as 'unused'.

Insurance.

"(6) The Secretary is authorized to take any actions to identify and communicate with any mortgagor of a mortgage insured under this section to implement the refinancing of such mortgages with insurance under this subsection. The Secretary may take such actions directly, or under contract. Notwithstanding the restriction of section 552a(b) of title 5 of the United States Code, upon the request of an approved mortgagee, the Secretary may disclose to such mortgagee the name and address of any mortgagor of a mortgage insured under this section that meets the criteria for refinancing, pursuant to paragraph (2)(F), and the unpaid principal balance and interest rate on such mortgage.

Federal Register, publication.

"(7) The Secretary shall implement the provisions of this subsection by a notice published in the Federal Register.".

12 USC 1715z. Contracts.

(b) Excess Recaptured Amounts.—Section 235(c)(3)(C) of the National Housing Act is amended by inserting after the period at the end the following new sentence: "Notwithstanding the preceding sentence, any amounts of budget authority or contract authority recaptured from assistance payments contracts relating to mortgages that are being refinanced that are not required for assistance payments contracts relating to mortgages insured under this subsection, shall be rescinded.".

(c) Conforming Amendments.—Section 235 of the National Housing Act is amended—

(1) in subsection (c)(1), by inserting ", other than a contract in connection with a refinancing under subsection (r)," in the second sentence after "any new contract";

(2) in subsection (c)(3)(A), by inserting "(except to the extent provided in subsection (r) for mortgages insured under such subsection)" in the second sentence after "refinanced,";

(3) in subsection (e), by striking "or (j)(7)," and inserting "(j)(7), or (r),";

(4) in subsection (h)(1)—

(A) by inserting "(other than obligations in connection with mortgages insured under subsection (r))" in the third sentence after "October 1, 1983";

(B) by inserting "(except under subsection (r))" in the sixth sentence after "under this section" the first place it appears; and

(C) by inserting "(other than a contract in connection with a mortgage insured under subsection (r))" in the seventh sentence after "under this section";

Contracts.

(5) in subsection (h)(3), by inserting after the period at the end the following: "The preceding sentence shall not apply to contracts in connection with mortgages insured under subsection (r).";

(6) in subsection (m), by inserting "(except a mortgage insured under subsection (r))" after "No mortgage"; and

(7) in subsection (n), by inserting "or to a mortgage insured under subsection (r)" before the period at the end.

12 USC 1715z note.

(d) Savings Provision.—Notwithstanding the termination of the program under section 235 pursuant to section 401(d) of the Housing and Community Development Act of 1987, the Secretary of Housing and Urban Development shall have authority to insure mortgages under section 235(r), to make assistance payments with respect to such insured mortgages, and to make any other payment or take any other action related to the refinancing of mortgages insured under section 235.

SEC. 126. SANCTIONS FOR IMPROPER CONVEYANCES UNDER URBAN HOMESTEAD PROGRAMS.

(a) IN GENERAL.—Section 810 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection:

12 USC 1706e.

"(m) If the Secretary determines that any property transferred for use under an urban homestead program under this section has been conveyed or used under the program in a manner contrary to the provisions of this section, the Secretary may take action as the Secretary considers appropriate, including taking any of the following actions:

State and local governments.

"(1) The Secretary may impose a civil penalty on the unit of general local government or the State or the qualified community organization or public agency designated by a unit of general local government, or the transferee of such entity, as appropriate, in an amount not less than any profit realized with respect to the conveyance or use of the property contrary to the provisions of this section.

"(2) The Secretary may revoke the conveyance of the property pursuant to subsection (b)(4) and revoke the transfer of the property to the unit of general local government or State or the qualified community organization or public agency designated by a unit of general local government, except that the Secretary may not revoke the conveyance of any property under this paragraph if the Secretary determines that the conveyance was made to an individual or family who has substantially complied with the requirements of this section for participation in an urban homestead program and who has no knowledge of the conveyance or use of the property contrary to the provisions of this section. If any tenants of any property for which a conveyance is revoked under this paragraph would be displaced by such revocation and the Secretary determines that the tenants are not responsible for or involved in the actions for which the revocation has been imposed, the Secretary shall, if practicable, take actions that would allow the tenants to remain on the property and maintain the property under an urban homestead program.".

(b) CONFORMING AMENDMENT.—Section 810(b)(4) of the Housing and Community Development Act of 1974 is amended by inserting before the semicolon at the end the following: "or by the Secretary under subsection (m)(2)".

(c) APPLICABILITY.—The amendments made by this section shall apply to any property transferred for use in an urban homestead program under section 810 of the Housing and Community Development Act of 1974 after January 1, 1981.

12 USC 1706e note.

SEC. 127. REFORM OF MODERATE REHABILITATION PROGRAM.

Section 8(e)(2) of the United States Housing Act of 1937 is amended—

42 USC 1437f.

(1) by striking the period at the end of the first sentence and inserting the following: ", and which shall involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems.";

(2) by inserting after the period at the end the following new sentence: "In order to maximize the availability of low-income housing, in providing assistance under this paragraph, the Secretary shall include in any calculation or determination regard-

ing the amount of the assistance to be made available the extent to which any proceeds are available from any tax credits provided under section 42 of the Internal Revenue Code of 1986 (or from any syndication of such credits) with respect to the housing."; and

(3) by inserting after the period at the end (as inserted by paragraph (2)) the following: "For each fiscal year, the Secretary may not provide assistance pursuant to this paragraph to any project for rehabilitation of more than 100 units. Assistance pursuant to this paragraph shall be allocated according to the formula established pursuant to section 213(d) of the Housing and Community Development Act of 1974, and awarded pursuant to a competition under such section. The Secretary shall maintain a single listing of any assistance provided pursuant to this paragraph, which shall include a statement identifying the owner and location of the project to which assistance was made, the amount of the assistance, and the number of units assisted.".

Subtitle C—Federal Housing Administration Reforms

SEC. 131. ANNUAL AUDITED FINANCIAL STATEMENTS.

Title V of the National Housing Act (as amended by the preceding provisions of this Act) is further amended by adding at the end the following new section:

"ANNUAL AUDITED FINANCIAL STATEMENTS

Public information.
12 USC 1735f-16.

"Sec. 538. With respect to fiscal year 1989 and for every fiscal year thereafter, the Secretary shall make available to the public a financial statement of the insurance funds established under this Act that will present their financial condition on a cash and accrual basis, consistent with generally accepted accounting principles. Each financial statement shall be audited by an independent accounting firm selected by the Secretary and the results of such audit shall be made available to the public.".

Loans.
Insurance.

SEC. 132. CREDIT REVIEWS OF PERSONS ACQUIRING MORTGAGED PROPERTIES UNDER SINGLE FAMILY PROGRAM FOR LIFE OF MORTGAGE.

12 USC 1709.

(a) In General.—Section 203(r) of the National Housing Act is amended—

(1) by amending the first sentence to read as follows: "The Secretary shall take appropriate actions to reduce losses under the single-family mortgage insurance programs carried out under this title."; and

(2) by amending paragraphs (2) and (3) to read as follows:

"(2) requiring that at least one person acquiring ownership of a one- to four-family residential property encumbered by a mortgage insured under this title be determined to be creditworthy under standards prescribed by the Secretary, whether or not such person assumes personal liability under the mortgage (except that acquisitions by devise or descent shall not be subject to this requirement); and

"(3) in any case where personal liability under a mortgage is assumed, requiring that the original mortgagor be advised of the procedures by which he or she may be released from liability.".

(b) Applicability.—The amendments made by subsection (a) shall apply only with respect to— 12 USC 1709 note.

(1) mortgages insured—

(A) pursuant to a conditional commitment issued on or after the date of the enactment of this Act; or

(B) in accordance with the direct endorsement program (24 C.F.R. 200.163), if the approved underwriter of the mortgage signs the appraisal report for the property on or after the date of the enactment of this Act; and

(2) the approval of substitute mortgagors, if the original mortgagor was subject to such amendments.

(c) Transition Provisions.—Any mortgage insurance provided under title II of the National Housing Act as it existed immediately before the date of the enactment of this Act, shall continue to be governed (to the extent applicable) by the provisions of section 203(r) of the National Housing Act, as such section existed immediately before such date. 12 USC 1709 note.

SEC. 133. REPEAL OF TITLE X LAND DEVELOPMENT PROGRAM.

(a) Repeal.—Title X of the National Housing Act is hereby repealed. 12 USC 1749aa–1749*ll*.

(b) Applicability.—On or after the date of enactment of this Act, no mortgage may be insured under title X, as such title existed immediately before such date, except pursuant to a commitment to insure made before such date. 12 USC 1749aa note.

(c) Savings Provision.—Any contract of insurance entered into under title X before the date of enactment of this Act shall be governed by the provisions of such title as such title existed immediately before such date. Contracts. Insurance. 12 USC 1749aa note.

(d) Conforming Amendments.—The National Housing Act is amended—

(1) in section 1, by striking "X," each place it appears; 12 USC 1702.

(2) in section 212(a), by striking the seventh sentence; 12 USC 1715c.

(3) in section 512, by striking "X," in the first sentence; 12 USC 1731a.

(4) in section 522, by inserting ", as such title existed immediately before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989," after "title X of this Act"; and 12 USC 1735f.

(5) in section 530, by striking "X,". 12 USC 1735f-8.

SEC. 134. CIVIL MONEY PENALTIES FOR IMPROPER DEALER AND LOAN BROKER PARTICIPATION IN ORIGINATION OF PROPERTY IMPROVEMENT LOANS.

(a) In General.—Section 2(b) of the National Housing Act is amended by adding at the end the following new paragraph: 12 USC 1703.

"(7) With respect to the financing of alterations, repairs, and improvements to existing structures or the building of new structures as authorized under clause (i) of the first sentence of section 2(a), any loan broker (as defined by the Secretary) or any other party having a financial interest in the making of such a loan or advance of credit or in providing assistance to the borrower in preparing the loan application or otherwise assisting the borrower in obtaining the loan or advance of credit who knowingly (as defined in section 536(g) of this Act) submits to any such financial institution or to the Secretary false information shall be subject to a civil money penalty in the amount and manner provided under section 536 with respect to mortgagees and lenders under this Act.".

12 USC 1703 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only with respect to—

(1) violations referred to in the amendment that occur on or after the date of the enactment of this Act; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation referred to in the amendment that occurs on or after such date.

Loans.

12 USC 1709.

SEC. 135. NOTIFICATION REGARDING SUSPENDED MORTGAGEES.

Section 203 of the National Housing Act is amended by adding at the end the following new subsection:

"(s) Whenever the Secretary has taken any discretionary action to suspend or revoke the approval of any mortgagee to participate in any mortgage insurance program under this title, the Secretary shall provide prompt notice of the action and a statement of the reasons for the action to—

"(1) the Secretary of Veterans Affairs;

"(2) the chief executive officer of the Federal National Mortgage Association;

"(3) the chief executive officer of the Federal Home Loan Mortgage Corporation;

"(4) the Administrator of the Farmers Home Administration;

"(5) if the mortgagee is a national bank or District bank, or a subsidiary or affiliate of such a bank, the Comptroller of the Currency;

"(6) if the mortgagee is a State bank that is a member of the Federal Reserve System or a subsidiary or affiliate of such a bank, or a bank holding company or a subsidiary or affiliate of such a company, the Board of Governors of the Federal Reserve System;

"(7) if the mortgagee is a State bank that is not a member of the Federal Reserve System or is a subsidiary or affiliate of such a bank, the Board of Directors of the Federal Deposit Insurance Corporation; and

"(8) if the mortgagee is a Federal or State savings association or a subsidiary or affiliate of a savings association, the Director of the Office of Thrift Supervision.".

SEC. 136. FHA FORECLOSED PROPERTIES.

12 USC 1710.

(a) MAINTENANCE.—Section 204(a) of the National Housing Act is amended by inserting after the period at the end of the third sentence the following new sentence: "As a condition of the receipt of such benefits, the mortgagee shall maintain or assure the maintenance of the mortgaged property (in such manner as the Secretary shall by regulation provide) during the period beginning on the taking of the possession or other acquisition of the mortgaged property by the mortgagee and ending on conveyance to the Secretary or other disposition of the mortgaged property in accordance with this section, and funds expended by the mortgagee in meeting such obligation shall be included, to the extent provided in this subsection or in subsection (k), in debentures or other insurance payment pursuant to this section.".

(b) Disposition of Properties on Credit Terms.—Section 204(g) of the National Housing Act is amended by inserting after the period at the end of the first sentence the following new sentence: "The Secretary shall, by regulation, carry out a program of sales of such properties and shall develop and implement appropriate credit terms and standards to be used in carrying out the program.". 12 USC 1710. Regulations.

SEC. 137. REPORT REGARDING PROVIDING FORECLOSED PROPERTIES TO 1989 DISASTER VICTIMS.

(a) HUD.—

(1) Study.—The Secretary of Housing and Urban Development shall conduct a study regarding the feasibility of making available, to low-income persons whose homes in areas declared by the President as disaster areas as a result of hurricane Hugo or the Loma Prieta earthquake during 1989 were destroyed by such disasters, any available properties (including multifamily properties) owned by the Secretary.

(2) Report.—The Secretary of Housing and Urban Development shall submit to the Congress, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, a report regarding the results and conclusions of the study under paragraph (1), together with any recommendations for legislation regarding providing such property.

(b) Farmers Home Administration.—The Secretary of Agriculture shall conduct a study regarding the feasibility of making available, as provided in subsection (a)(1), any available properties (including multifamily properties) owned by the Secretary through the Farmers Home Administration and shall submit a report regarding such study as provided in subsection (a)(2).

(c) Consultation.—The Secretary of Housing and Urban Development and the Secretary of Agriculture shall consult in conducting the studies under subsections (a) and (b) and may submit a single report meeting the requirements of subsections (a)(2) and (b).

SEC. 138. REPORT REGARDING ACTIONS TO IMPROVE DIRECT ENDORSEMENT PROGRAM.

(a) In General.—With respect to the direct endorsement program in connection with single-family mortgage insurance under title II of the National Housing Act, the Secretary shall submit to the Congress a report describing any actions the Secretary determines are necessary to take, to—

(1) improve monitoring and supervision under the program;
(2) reduce defaults under the program; and
(3) decrease the potential for fraud under the program.

(b) Time of Submission.—The Secretary shall submit the report under subsection (a) to the Congress not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 139. CO-INSURANCE AMENDMENTS.

(a) In General.—Section 244 of the National Housing Act is amended by adding at the end thereof the following new subsection: 12 USC 1715z-9.

"(i) The Secretary shall, by January 15 and July 15 of each year (1) review the adequacy of capital and other requirements for mortgagees under this section, (2) assess the compliance by mortgagees with such requirements, and (3) make such adjustment to such requirements as the Secretary, after providing opportunity for hearing, determines to be appropriate to improve the long-term financial soundness of the Federal Housing Administration funds. Such requirements shall include the minimum capital or net worth of mortgagees; the ratio that mortgagees shall maintain between the mortgagee's capital and the volume of mortgages co-insured by such mortgagee; and such other requirements as the Secretary determines to be appropriate to ensure the long-term financial soundness of the Federal Housing Administration funds. The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the review and assessment under the previous sentence, and an explanation of the Secretary's reasons for making any adjustment in requirements authorized under this section.".

Reports.

(b) Report.—The Secretary of Housing and Urban Development shall submit to the Congress not later than April 1, 1990, a report on the disposition of coinsured multifamily housing projects held by the Government National Mortgage Association. The report shall include a description of the guidelines governing the disposition of such properties, particularly as such guidelines relate to the objectives of—

(1) minimizing losses to the Federal Government;

(2) preserving the projects in decent, safe, and sanitary condition; and

(3) protecting lower-income tenants residing in such projects.

The report shall also describe the status of such multifamily housing projects, including the name, address, and size of each project, and the date and conditions of any foreclosure sale.

SEC. 140. FHA MANAGEMENT.

42 USC 3533.

Section 4 of the Department of Housing and Urban Development Act is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by redesignating the second sentence in subsection (a) as subsection (b) and adding at the end thereof the following: "The Secretary shall ensure, to the extent practicable, that managers of Federal Housing Administration programs, at each level of the Department, shall be accountable for program operation, risk management, management of cash and other Federal assets, and program financing related to activities over which such managers have responsibility.".

Business and industry.

SEC. 141. CONTRACTING FOR FINANCIAL MANAGEMENT SUPPORT.

42 USC 3535.

Section 7(e) of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following: "The Secretary is authorized to enter into contracts with private companies for the provision of such managerial support to the Federal Housing Administration as the Secretary determines to be appropriate, including but not limited to the management of insurance risk and the improvement of the delivery of mortgage insurance.".

SEC. 142. FHA OPERATIONS.

12 USC 1708.

Section 202 of the National Housing Act is amended by—

(1) striking the heading "MUTUAL MORTGAGE INSURANCE FUND" and inserting "FEDERAL HOUSING ADMINISTRATION OPERATIONS";

(2) striking "Sec. 202." and inserting: "Sec. 202. (a) Mutual Mortgage Insurance Fund.—"; and

(3) adding at the end thereof the following new subsections:

"(b) Advisory Board.—There is created a Federal Housing Administration Advisory Board ("Board") that shall review operation of the Federal Housing Administration, including the activities of the Mortgagee Review Board, and shall provide advice to the Federal Housing Commissioner with respect to the formulation of general policies of the Federal Housing Administration and such other matters as the Federal Housing Commissioner may deem appropriate. The Advisory Board shall, in all other respects, be subject to the provisions of the Federal Advisory Committee Act.

"(1) The Advisory Board shall be composed of 15 members to be appointed from among individuals who have substantial expertise and broad experience in housing and mortgage lending of whom—

"(A) 9 shall be appointed by the Secretary;

"(B) 3 shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(C) 3 shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(2) Membership on the Advisory Board shall include—

"(A) not less than 4 persons with distinguished private sector careers in housing finance, lending, management, development or insurance;

"(B) not less than 4 persons with outstanding reputations as licensed actuaries, experts in actuarial science, or economics related to housing;

"(C) not less than 4 persons with backgrounds of leadership in representing the interests of housing consumers;

"(D) not less than 1 person with significant experience and a distinguished reputation for work in the enforcement, advocacy, or development of fair housing or civil rights legislation; and

"(E) not less than 1 person with a background of leadership representing rural housing interests.

"(3) Members of the Advisory Board shall be selected to ensure, to the greatest extent practicable, geographical representation or every region of the country.

"(4) Not more than 8 members of the Advisory Board may be from any one political party.

"(5) Membership of the Advisory Board shall not include any person who, during the previous 24-month period, was required to register with the Secretary under section 112(c) of the Department of Housing and Urban Development Reform Act of 1989 or employed a person for purposes that required such person to so register.

"(6) Of the members of the Advisory Board first appointed, 5 shall have terms of 1 year, and 5 shall have terms of 2 years.

Their successors and all other appointees shall have terms of 3 years.

"(7) The Advisory Board is empowered to confer with, request information of, and make recommendations to the Federal Housing Commissioner. The Commissioner shall promptly provide the Advisory Board with such information as the Board determines to be necessary to carry out its review of the activities and policies of the Federal Housing Administration.

Reports.

"(8) The Board shall, not later than December 31 of each year, submit to the Secretary and the Congress a report of its assessment of the activities of the Federal Housing Administration, including the soundness of underwriting procedures, the adequacy of information systems, the appropriateness of staffing patterns, the effectiveness of the Mortgagee Review Board, and other matters related to the Federal Housing Administration's ability to serve the nation's homebuyers and renters. Such report shall contain the Board's recommendations for improvement and include any minority views.

District of Columbia.

"(9) The Board shall meet in Washington, D.C., not less than twice annually, or more frequently if requested by the Federal Housing Commissioner or a majority of the members. The Board shall elect a chair, vice-chair and secretary and adopt methods of procedure. The Board may establish committees and subcommittees as needed.

"(10) Subject to the provisions of Section 7 of the Federal Advisory Committee Act, all members of the Board may be compensated and shall be entitled to reimbursement from the Department for traveling expenses incurred in attendance at meetings of the Board.

"(c) MORTGAGEE REVIEW BOARD.—

"(1) ESTABLISHMENT.—There is established within the Federal Housing Administration the Mortgagee Review Board ("Board"). The Board is empowered to initiate the issuance of a letter of reprimand, the probation, suspension or withdrawal of any mortgagee found to be engaging in activities in violation of Federal Housing Administration requirements or the nondiscrimination requirements of the Equal Credit Opportunity Act, the Fair Housing Act, or Executive Order 11063.

"(2) COMPOSITION.—The Board shall consist of—

"(A) the Assistant Secretary of Housing/Federal Housing Commissioner;

"(B) the General Counsel of the Department;

"(C) the President of the Government National Mortgage Association;

"(D) the Assistant Secretary for Administration;

"(E) the Assistant Secretary for Fair Housing Enforcement (in cases involving violations of nondiscrimination requirements); and

"(F) the Chief Financial Officer of the Department;

or their designees.

"(3) ACTIONS AUTHORIZED.—When any report, audit, investigation, or other information before the Board discloses that a basis for an administrative action against a mortgagee exists, the Board shall take one of the following administrative actions:

"(A) LETTER OF REPRIMAND.—The Board may issue a letter of reprimand only once to a mortgagee without taking action under subparagraphs (B), (C), or (D) of this section. A letter of reprimand shall explain the violation and describe actions the mortgagee should take to correct the violation.

"(B) Probation.—The Board may place a mortgagee on probation for a specified period of time not to exceed 6 months for the purpose of evaluating the mortgagee's compliance with Federal Housing Administration requirements, the Equal Credit Opportunity Act, the Fair Housing Act, Executive Order 11063, or orders of the Board. During the probation period, the Board may impose reasonable additional requirements on a mortgagee including supervision of the mortgagee's activities by the Federal Housing Administration, periodic reporting to the Federal Housing Commissioner, or submission to Federal Housing Administration audits of internal financial statements, audits by an independent certified public accountant or other audits.

"(C) Suspension.—The Board may issue an order suspending a mortgagee's approval for doing business with the Federal Housing Administration if there exists adequate evidence of a violation or violations and continuation of the mortgagee's approval, pending or at the completion of any audit, investigation, or other review, or such administrative or other legal proceedings as may ensue, would not be in the public interest or in the best interests of the Department. A suspension shall last for not less than 6 months. During the period of suspension, the Federal Housing Administration shall not commit to insure any mortgage originated by the suspended mortgagee.

"(D) Withdrawal.—The Board may issue an order withdrawing a mortgagee if the Board has made a determination of a serious violation or repeated violations by the mortgagee. The Board shall determine the terms of such withdrawal, but the term shall be not less than 1 year. Where the Board has determined that the violation is egregious or willful, the withdrawal shall be permanent.

"(E) Settlements.—The Board may at any time enter into a settlement agreement with a mortgagee to resolve any outstanding grounds for an action. Agreements may include provisions such as—

"(i) cessation of any violation;

"(ii) correction or mitigation of the effects of any violation;

"(iii) repayment of any sums of money wrongfully or incorrectly paid to the mortgagee by a mortgagor, by a seller or by the Federal Housing Administration;

"(iv) actions to collect sums of money wrongfully or incorrectly paid by the mortgagee to a third party;

"(v) indemnification of the Federal Housing Administration for mortgage insurance claims on mortgages originated in violation of Federal Housing Administration requirements;

"(vi) modification of the length of the penalty imposed; or

"(vii) implementation of other corrective measures acceptable to the Secretary.

Material failure to comply with the provisions of a settlement agreement shall be sufficient cause for suspension or withdrawal.

"(4) NOTICE AND HEARING.—

"(A) The Board shall issue a written notice to the mortgagee at least 30 days prior to taking any action against the mortgagee under subparagraph (B), (C), or (D) of paragraph (3). The notice shall state the specific violations which have been alleged, and shall direct the mortgagee to reply in writing to the Board within 30 days. If the mortgagee fails to reply during such period, the Board may make a determination without considering any comments of the mortgagee.

"(B) If the Board takes action against a mortgagee under subparagraph (B), (C), or (D) of paragraph (3), the Board shall promptly notify the mortgagee in writing of the nature, duration, and specific reasons for the action. If, within 30 days of receiving the notice, the mortgagee requests a hearing, the Board shall hold a hearing on the record regarding the violations within 30 days of receiving the request. If a mortgagee fails to request a hearing within such 30-day period, the right of the mortgagee to a hearing shall be considered waived.

Public information.

"(C) In any case in which the notification of the Board does not result in a hearing (including any settlement by the Board and a mortgagee), any information regarding the nature of the violation and the resolution of the action shall be available to the public.

Federal Register, publication.

"(5) PUBLICATION.—The Secretary shall establish and publish in the Federal Register a description of and the cause for administrative action against a mortgagee.

"(6) CEASE-AND-DESIST ORDERS.—

"(A) Whenever the Secretary, upon request of the Mortgagee Review Board, determines that there is reasonable cause to believe that a mortgagee is violating, has violated, or is about to violate, a law, rule or regulation or any condition imposed in writing by the Secretary or the Board, and that such violation could result in significant cost to the Federal Government or the public, the Secretary may issue a temporary order requiring the mortgagee to cease and desist from any such violation and to take affirmative action to prevent such violation or a continuation of such violation pending completion of proceedings of the Board with respect to such violation. Such order shall include a notice of charges in respect thereof and shall become effective upon service to the mortgagee. Such order shall remain effective and enforceable for a period not to exceed 30 days pending the completion of proceedings of the Board with respect to such violation, unless such order is set aside, limited, or suspended by a court in proceedings authorized by subparagraph (B) of this paragraph. The Board shall provide the mortgagee an opportunity for a hearing on the record, as soon as practicable but not later than 20 days after the temporary cease-and-desist order has been served.

District of Columbia.

"(B) Within 10 days after the mortgagee has been served with a temporary cease-and-desist order, the mortgagee may apply to the United States district court for the judicial district in which the home office of the mortgagee is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting of suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the mortgagee, and such court shall have jurisdiction to issue such injunction.

"(C) In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this paragraph, the Secretary may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the mortgagee is located, for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

"(D) For purposes of this paragraph, the term 'mortgagee' means a mortgagee, a branch office or subsidiary of a mortgagee, or a director, officer, employee, agent, or other person participating in the conduct of the affairs of such mortgagee.

"(7) REPORT REQUIRED.—The Board, in consultation with the Federal Housing Administration Advisory Board, shall annually recommend to the Secretary such amendments to statute or regulation as the Board determines to be appropriate to ensure the long term financial strength of the Federal Housing Administration fund and the adequate support for home mortgage credit.

"(d) COORDINATION OF GNMA AND FHA WITHDRAWAL ACTION.—

"(1) Whenever the Federal Housing Administration or Government National Mortgage Association initiates proceedings that could lead to withdrawing the mortgagee from participating in the program, the initiating agency shall—

"(A) within 24 hours notify the other agency in writing of the action taken;

"(B) provide to the other agency the factual basis for the action taken; and

"(C) if a mortgagee is withdrawn, publish its decision in the Federal Register.

Federal Register, publication.

"(2) Within 60 days of receipt of a notification of action that could lead to withdrawal under subsection (1), the Federal Housing Administration or the Government National Mortgage Association shall—

"(A) conduct and complete its own investigation;

"(B) provide written notification to the other agency of its decision, including the factual basis for its decision; and

"(C) if a mortgagee is withdrawn, publish its decision in the Federal Register.

Federal Register, publication.

"(e) APPRAISAL STANDARDS.—(1) The Secretary shall prescribe standards for the appraisal of all property to be insured by the Federal Housing Administration. Such appraisals shall be performed in accordance with uniform standards, by individuals who have demonstrated competence and whose professional conduct is subject to effective supervision. These standards shall require at a minimum—

"(A) that the appraisals of properties to be insured by the Federal Housing Administration shall be performed in accordance with generally accepted appraisal standards, such as the appraisal standards promulgated by the Appraisal Foundation a not-for-profit corporation established on November 30, 1987 under the laws of Illinois; and

"(B) that each appraisal be a written statement used in connection with a real estate transaction that is independently an impartially prepared by a licensed or certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.

"(2) The Appraisal Subcommittee of the Federal Financial Institutions Examination Council shall include the Secretary or his designee.".

SEC. 143. ELIMINATION OF PRIVATE INVESTOR-OWNERS FROM SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.

12 USC 1709.

State and local governments.

(a) RETENTION OF PUBLIC AND NONPROFIT INVESTOR OWNERS.—Section 203(g)(3) of the National Housing Act is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ", or any other State or local government or an agency thereof;"; and

(2) in subparagraph (B), by striking the semicolon at the end and inserting the following: ", or other private nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and intends to sell or lease the mortgaged property to low or moderate-income persons, as determined by the Secretary;".

(b) ELIMINATION OF PRIVATE INVESTOR-OWNERS.—Section 203(g) of the National Housing Act, as amended by subsection (a), is further amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

12 USC 1709 note.

(c) APPLICABILITY.—The amendments made by this section shall apply only with respect to—

(1) mortgages insured—

(A) pursuant to a conditional commitment issued on or after the date of the enactment of this Act; or

(B) in accordance with the direct endorsement program, if the approved underwriter of the mortgagee signs the appraisal report for the property on or after the date of the enactment of this Act; and

(2) the approval of substitute mortgagors, if the original mortgagor was subject to such amendments.

12 USC 1709 note.

(d) TRANSITION PROVISIONS.—Any mortgage insurance provided under title II of the National Housing Act, as it existed immediately before the date of the enactment of this Act, shall continue to be governed (to the extent applicable) by the provisions amended by subsections (a) and (b) as such provisions existed immediately before such date.

TITLE II—HOUSING PRESERVATION

SEC. 201. LIMITATIONS ON PREPAYMENT.

Section 203(a) of the Emergency Low Income Housing Preservation Act of 1987 is amended by striking "upon the expiration of the 2-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "on September 30, 1990".

12 USC 1715*l* note.

SEC. 202. CLARIFICATION OF APPLICABILITY TO VOLUNTARY TERMINATION OF INSURANCE.

(a) General Prepayment Limitation.—Section 221(a) of the Emergency Low Income Housing Preservation Act of 1987 is amended by adding at the end the following new sentence: "An insurance contract with respect to eligible low-income housing may be terminated pursuant to section 229 of the National Housing Act only in accordance with a plan of action approved by the Secretary under this subtitle.

12 USC 1715*l* note.

(b) Alternative Prepayment Limitation.—Section 221(b) of the Emergency Low Income Housing Preservation Act of 1987 is amended—

(1) by striking the first comma and inserting "(1)"; and

(2) by inserting before the period at the end of the sentence the following: ", and (2) an insurance contract with respect to eligible low-income housing located in the geographic area subject to the jurisdiction of such court may not be terminated pursuant to section 229 of the National Housing Act during the 2-year period following the date of such invalidation".

(c) Notice of Intent.—Section 222 of the Emergency Low Income Housing Preservation Act of 1987 is amended by inserting after "agreement" the following: "(including a request to terminate the insurance contract pursuant to section 229 of the National Housing Act)".

12 USC 1715*l* note.

(d) Conforming Amendments.—

(1) Section 250(a) of the National Housing Act is amended by inserting after "project" the second place it appears the following: "or permit a termination of an insurance contract pursuant to section 229 of this Act".

12 USC 1715z-15.

(2) Section 229 of the National Housing Act is amended by inserting after "section 2" the following: "and except as specified under section 250 of this Act and subtitle B of the Emergency Low Income Housing Preservation Act of 1987,".

12 USC 1715t.

SEC. 203. INCENTIVES TO EXTEND LOW-INCOME USE.

(a) Loans.—

(1) Acquisitions by public entities.—Section 236(b) of the National Housing Act is amended by inserting "public entity," before "or a cooperative housing corporation".

12 USC 1715z-1.

(2) Capital improvement loans.—(A) Section 201(m)(2)(B) of the Housing and Community Development Amendments of 1978 is amended by striking "Reduce" and inserting "Notwithstanding subsection (l)(2)(B), reduce".

12 USC 1715z-1a.

(B) Section 201(m)(2) of the Housing and Community Development Amendments of 1978 is amended—

(i) by striking "not subject to paragraph (1)";

(ii) by inserting after "residents" the second place it appears the following: ", or where appropriate to implement a plan of action under subtitle B of the Emergency Low Income Housing Preservation Act of 1987";

(iii) adding a new subparagraph after subparagraph (D):

"(E) Permit repayment of the debt service to be deferred as long as the low and moderate income character of the project is maintained in accordance with subsection (d).".

(b) APPROVAL OF PLAN OF ACTION.—

12 USC 1715l note.

(1) TENANT PROFILE.—Section 225(b)(3)(F)(i) of the Emergency Low Income Housing Preservation Act of 1987 is amended by inserting before the semicolon the following: "(based on the area median income limits established by the Secretary in February, 1987), or the date the plan of action is approved, whichever date results in the highest proportion of very low-income families, except that this limitation shall not prohibit a higher proportion of very low-income families from occupying the housing".

(2) SECTION 8 RENTAL ASSISTANCE.—Section 225 of the Emergency Low Income Housing Preservation Act of 1987 is amended by adding at the end the following new subsections:

Contracts.

"(c) SECTION 8 RENTAL ASSISTANCE.—When providing rental assistance under section 8, the Secretary may enter into a contract with an owner, contingent upon the future availability of appropriations for the purpose of renewing expiring contracts for rental assistance as provided in appropriations Acts, to extend the term of such rental assistance for such additional period or periods as is necessary to carry out an approved plan of action. The contract and the approved plan of action shall provide that, if the Secretary is unable to extend the term of such rental assistance or is unable to develop a revised package of incentives providing benefits to the owner comparable to those received under the original approved plan of action, the Secretary, upon the request of the owner, shall take the following actions (subject to the limitations under the following paragraphs):—

"(1) Modification of the binding commitments made pursuant to subsection (b) that are dependent on such rental assistance.

"(2) If action under paragraph (1) is not feasible, release of an owner from the binding commitments made pursuant to subsection (b) that are dependent on such rental assistance.

"(3) If action under paragraphs (1) and (2) would, in the determination of the Secretary, result in the default of the insured loan, approval of the revised plan of action, notwithstanding subsection (a), that involves the termination of low-income affordability restrictions.

At least 30 days prior to making a request under the preceding sentence, an owner shall notify the Secretary of the owner's intention to submit the request. The Secretary shall have a period of 90 days following receipt of such notice to take action to extend the rental assistance contract and to continue the binding commitments under subsection (b).

"(d) RELOCATION OF DISPLACED TENANTS.—Any plan of action shall specify actions that the Secretary and the owner shall take to ensure that any tenants, displaced as a result of a plan of action approved under subsection (a) or as a result of modifications taken pursuant to subsection (c), are relocated to affordable housing.".

(c) INSURANCE FOR SECOND MORTGAGE FINANCING.—

12 USC 1715z-6.

(1) UNDERWRITING.—Section 241(f)(2) of the National Housing Act is amended by adding at the end the following sentence:

"When underwriting an equity loan under this subsection, the Secretary may assume that the rental assistance provided in accordance with an approved plan of action under section 225(b) of the Emergency Low Income Housing Preservation Act of 1987 will be extended for the full term of the contract entered into under section 225(c) of that Act. The Secretary may accelerate repayment of a loan under this section in the event rental assistance is not extended under section 225(c) of that Act or the Secretary is unable to develop a revised package of incentives to the owner comparable to those received under the original approved plan of action.".

(2) ACQUISITIONS BY PUBLIC ENTITIES.—Section 241(f)(3) of the National Housing Act is amended by inserting "public entity," after "A". 12 USC 1715z-6.

(d) LIMITATIONS ON FORECLOSURE.—Section 241(f) of the National Housing Act is amended by adding at the end the following new paragraph:

"(6) If the Secretary is unable to extend the term of rental assistance for the full term of the contract entered into under section 225(c) of the Emergency Low Income Housing Preservation Act of 1987, the Secretary is authorized to take such actions as the Secretary deems to be appropriate to avoid default, avoid disruption of the sound ownership and management of the property or otherwise minimize the cost to the Federal Government.".

SEC. 204. PRESERVATION.

(a) MANAGEMENT AND PRESERVATION OF HUD-OWNED AND HUD-HELD MULTIFAMILY HOUSING PROJECTS.—Section 203(k) of the Housing and Community Development Amendments of 1978 is amended to read as follows: "The Secretary shall annually submit to the Congress on June 1 of each year a report describing the status of multifamily housing projects that are subject to subsection (a), which report shall include— 12 USC 1701z-11. Reports.

"(1) the name, address, and size of each project;
"(2) the nature and date of assignment;
"(3) the status of the mortgage;
"(4) the physical condition of the project;
"(5) the proportion of units in a project that are vacant;
"(6) the date on which the Secretary became mortgagee in possession or the date of imposition of any receivership;
"(7) the date and conditions of any foreclosure sale;
"(8) the date of acquisition by the Secretary; and
"(9) the date and conditions of any property disposition sale.

The report shall describe the activities carried out under subsection (e) during the preceding year, and shall contain a description and assessment of the rules, guidelines and practices governing the Department's assumption of management responsibilities in multifamily housing projects subject to subsection (a) that are owned by the Secretary (or for which the Secretary is mortgagee in possession) as well as the steps that the Secretary has taken or plans to take to expedite the assumption of management responsibilities of the Department and improve the management performance of the Department, including the expedited repair and turnover of vacant units.".

(b) REHABILITATION LOANS.—Section 241 of the National Housing Act is amended by inserting the following after subsection (f):

"(g)(1) When underwriting a rehabilitation loan under this section in connection with eligible multifamily housing, the Secretary may assume that any rental assistance provided for purposes of servicing the additional debt will be extended for the term of the rehabilitation loan. The Secretary shall exercise prudent underwriting practices in insuring rehabilitation loans under this section. For purposes of this subsection, the term 'eligible multifamily housing' means any housing financed by a loan or mortgage that is—

"(A) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937;

"(B) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act; or

"(C) insured, assisted or held by the Secretary under section 236 of the National Housing Act.

"(2) A mortgagee approved by the Secretary may not withhold consent to a rehabilitation loan insured in connection with eligible multifamily housing on which that mortgagee holds a mortgage.".

12 USC 1715z-1a note.

(c) CAPITAL ASSESSMENT STUDY.—(1) The Secretary of Housing and Urban Development shall conduct a study to determine the physical renovation needs of the Nation's federally-assisted multifamily housing inventory that is distressed and to estimate the cost of correcting deficiencies and subsequently maintaining that inventory in adequate physical condition. The Secretary shall establish criteria to determine what housing qualifies as distressed and such criteria shall include factors such as serious deficiencies in the original design, deferred maintenance, physical deterioration or obsolescence of major systems and other serious deficiencies in the physical plant of a project. The study shall examine and assess the adequacy of existing tools that are available to the Secretary for modernization efforts including—

(A) mortgage insurance for rehabilitation loans under section 241 of the National Housing Act;

(B) operating assistance and capital improvement loans under section 201 of the Housing and Community Development Amendments of 1978 (the "Flexible Subsidy Program"); and

(C) rental assistance under section 8.

Reports.

Reports.

The study shall also examine and assess the effectiveness of sanctions that are now available to the Secretary. Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Congress a detailed report setting forth the findings of the Secretary as a result of the study. The Secretary shall submit to the Congress an interim report containing the information required under paragraph (2) not later than April 1, 1990.

(2) The examination and assessment of the Flexible Subsidy Program required by paragraph (1) shall include—

(A) an accounting of all applications that have been approved or rejected since 1980;

(B) an analysis of all applications that have not been acted upon since 1980 including the length of time such applications have been pending, the amount of assistance requested, and the number of units affected;

(C) an estimate of the funding that will be made available to the Flexible Subsidy Fund under section 201(j) of the Housing and Community Development Amendments of 1978 in the next three fiscal years; and

(D) an assessment of what additional resources will be needed for the Fund in the next three fiscal years.

(3) The term "federally-assisted multifamily housing" means housing financed by a loan or mortgage that is—

(A) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937;

(B) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act; or

(C) insured, assisted or held by the Secretary under section 236 of the National Housing Act.

SEC. 205. REPORT ON PROPERTY DISPOSITION DEMONSTRATION.

The Secretary of Housing and Urban Development shall submit to the Congress, not later than 30 days after the date of enactment of this Act, a report describing the steps that have been and will be taken to implement section 184 of the Housing and Community Development Act of 1987 including a detailed description of—

(1) the efforts taken by the Secretary to solicit participants in the demonstration;

(2) any applications, responses or other expressions of interest submitted by State housing finance agencies;

(3) the reasons for the Secretary's refusal, as of the date of enactment of this Act, to approve such applications; and

(4) the steps that the Secretary has taken and plans to take to ensure that the demonstration is implemented in at least one State within 90 days after the date of enactment of this Act.

SEC. 206. PROHIBITION ON PREPAYMENT OF NEW RURAL HOUSING LOANS.

(a) IN GENERAL.—Section 502(c)(1) of the Housing Act of 1949 is amended— 12 USC 1472.

(1) by inserting "(A)" after "(c)(1)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B) The Secretary may not accept an offer to prepay, or request refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 515 pursuant to a contract entered into on or after the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989.".

(b) CONFORMING AMENDMENT.—Section 502(c)(1) of the Housing Act of 1949 is amended—

(1) by striking "after the date of enactment of this subsection," and inserting the following: "after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989,"; and

(2) by striking "after the date of enactment of this subsection and" and inserting the following: "after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and".

SEC. 207. EQUITY TAKEOUT INCENTIVE FOR NEW RURAL HOUSING LOANS.

42 USC 1485.

Section 515 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(t) EQUITY TAKEOUT LOANS.—

"(1) AUTHORITY.—The Secretary is authorized to guarantee an equity loan (in the form of a supplemental loan) to an owner of housing financed with a loan made or insured under subsection (b), only if the Secretary determines, after taking into account local market conditions, that there is reasonable likelihood that the housing will continue as decent, safe, and sanitary housing for the remaining life of the original loan on the project made or insured under subsection (b) and that such an equity loan is—

"(A) necessary to provide a fair return on the owner's investment in the housing;

"(B) the least costly alternative for the Federal Government that is consistent with carrying out the purposes of this subsection; and

"(C) would not impose an undue hardship on tenants or an unreasonable cost to the Federal Government.

The amount of loans guaranteed under this subsection shall be subject to limits provided in appropriations Acts.

"(2) TIMING.—The Secretary is authorized to guarantee an equity loan under this subsection after the expiration of the 20-year period beginning on the date that an existing loan under subsection (b) of this section was made or insured. Not more than one equity loan under this subsection may be provided for any project.

"(3) AMOUNT OF THE TAKEOUT.—The amount of an equity loan under this subsection shall not exceed the difference between the outstanding principal on debt secured by the project and 90 percent of the appraised value of the project. The appraised value of the project shall be determined by 2 independent appraisers, 1 of whom shall be selected by the Secretary and 1 of whom shall be selected by the owner. If the 2 appraisers fail to agree on the value of the project, the Secretary and the owner shall jointly select a third appraiser whose appraisal shall be binding on the Secretary and the owner. The amount of the equity loan shall not exceed 30 percent of the amount of the original loan on the project made or insured under subsection (b).

"(4) RESERVE ACCOUNT PAYMENTS.—For each loan made or insured under subsection (b) pursuant to a contract entered into after the date this subsection takes effect, the owner shall make monthly payments from project income to the Secretary for deposit in a reserve account for the project. Such monthly payments shall, in the first year after the loan is made or insured, equal $2 for each unit in the project, and shall increase by $2 annually until the expiration of the 20-year period beginning on the date that the loan was made or insured, except that such annual increases shall not be required for a unit occupied by a low-income family or individual who is paying more than 30 percent of the family's or individual's adjusted income in rent. The rent on a unit for which payment is made under this paragraph shall be increased by the amount of such payment.

"(5) RESERVE ACCOUNT.—

"(A) Payments under paragraph (4) shall be deposited in an interest bearing account that the Secretary shall establish for the project.

"(B) The Secretary shall make available amounts in the reserve account only for payments of principal and interest on an equity loan under this subsection. Such payments shall be in amounts necessary to ensure that rent payments made by low-income families residing in the housing do not exceed the maximum rent under section 521(a)(2)(A);

"(C) Any payments to the account, and interest on such payments, not expended in the project from which such payments were made, shall be used in other projects to make payments of principal and interest on an equity loan under this subsection. Such payments shall be in amounts necessary to ensure that rent payments made by low-income families residing in the housing do not exceed the maximum rent under section 521(a)(2)(A).

"(D) The Secretary shall make payments from accounts under this paragraph only to the extent provided in appropriations Acts.

"(6) SUBMISSION OF PLAN.—An owner requesting an equity loan under this subsection shall submit a plan acceptable to the Secretary to ensure that the cost of amortizing an equity loan under paragraph (1) does not result in the displacement of very-low-income tenants or substantially alter the income mix of the tenants in the project.

"(7) REGULATIONS.—The Secretary shall issue final regulations within 180 days from the date of enactment of this subsection.

"(8) EFFECTIVE DATE.—The requirements of this subsection shall apply to any applications for assistance under this section on or after the expiration of 180 days from the date of enactment of this subsection.".

TITLE III—HOUSING PROGRAM EXTENSIONS AND CHANGES

SEC. 301. FLEXIBLE SUBSIDY PROGRAM.

Section 236(f)(3) of the National Housing Act is amended by striking "September 30, 1989" and inserting "September 30, 1991". 12 USC 1715z-1.

SEC. 302. CONTINUATION OF PUBLIC HOUSING ECONOMIC RENT.

Section 3(a)(2) of the United States Housing Act of 1937 is amended— 42 USC 1437a.

(1) in subparagraph (A), by striking "3-year" and inserting "5-year"; and

(2) in subparagraph (B)—

(A) by striking "3-year" and inserting "5-year"; and

(B) by adding at the end the following: "The terms of all ceiling rents established prior to the date of enactment of the Department of Housing and Urban Development Reform Act of 1989 shall be extended for the 5-year period beginning on such date of enactment.".

SEC. 303. EXTENSION OF RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

42 USC 1490*o*.

Section 535(b) of the Housing Act of 1949 is amended by striking "1-year period beginning on the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988" and inserting the following: "6-month period beginning on the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989".

SEC. 304. HODAG AMENDMENT.

42 USC 1437*o*.

Section 17(d) of the United States Housing Act of 1987 is amended as follows:

"(11) Sale of units.—

"(A) In general.—Notwithstanding any other provision of law, in the case of a project assisted by a development grant awarded pursuant to this section where (i) the grant was originally approved for a nonprofit cooperative, and (ii) a majority of the units in the approved project have 3 or more bedrooms, the nonprofit owner of such project may sell such units for fee simple or condominium ownership if the requirements of subparagraph (B) are met.

"(B) Requirements.—The requirements of this subparagraph are that—

"(i) at least 80 percent of the units in the project are initially sold to households with incomes that do not exceed 80 percent of the median income of the area;

"(ii) housing cost to such households shall be initially calculated at not to exceed 30 percent of actual household income;

"(iii) each purchaser agrees that, during the 20-year period following the initial sale, any subsequent resale of the unit shall be to a purchaser whose income does not exceed 80 percent of the median income for the area; and

"(iv) after the 20-year period described in clause (iii), the pro rata grant attributable to a unit, which shall be secured by a deed of trust on the unit, shall be repaid upon any sale, lease, or transfer of any interest in the unit except for a sale of the unit to a purchaser whose income does not exceed 80 percent of the median income of the area.

"(C) Refinancing.—A refinancing of the unit involving an equity withdrawal shall require a repayment to the extent of the withdrawal not to exceed the pro rata amount of the grant attributable to the unit. A refinancing unrelated to a sale, equity withdrawal, lease, or transfer of interest shall not require repayment.

"(D) Administration.—A homeowner may request grantee approval of a sale, equity withdrawal, or other transfer with postponement of the repayment or without full or partial repayment and grantee may approve if the grantee determines that—

"(i) an undue hardship will result from the application of the repayment requirement, such as where the proceeds are insufficient to repay the loan in full; or

"(ii) postponing repayment is in the interest of neighborhood growth and stability.

"(E) Effect of repayment.—Upon repayment of the grant, any program requirements affecting the unit shall terminate. The grantee shall use repayments of the grant for low and moderate income housing as prescribed by the Secretary. Notwithstanding any existing project covenants or inconsistencies with this section, the Secretary shall take all action necessary to implement this paragraph.".

TITLE IV—RURAL HOUSING

SEC. 401. ACCOUNTABILITY IN AWARDS OF ASSISTANCE; REMEDIES AND PENALTIES.

(a) IN GENERAL.—Title V of the Housing Act of 1949 is amended by adding at the end the following:

"ACCOUNTABILITY

Federal Register, publication. 42 USC 1490p.

"SEC. 536. (a) NOTICE REGARDING ASSISTANCE.—

"(1) PUBLICATION OF NOTICE OF AVAILABILITY.—The Secretary shall publish in the Federal Register notice of the availability of any assistance under any program or discretionary fund administered by the Secretary under this title.

"(2) PUBLICATION OF APPLICATION PROCEDURES.—The Secretary shall publish in the Federal Register a description of the form and procedures by which application for the assistance may be made, and any deadlines relating to the award or allocation of the assistance. Such description shall be sufficient to enable any eligible applicant to apply for such assistance.

"(3) PUBLICATION OF SELECTION CRITERIA.—Not less than 30 days before any deadline by which applications or requests for assistance under any program or discretionary fund administered by the Secretary must be submitted, the Secretary shall publish in the Federal Register the criteria by which selection for the assistance will be made. Such criteria shall include any objective measures of housing need, project merit, or efficient use of resources that the Secretary determines are appropriate and consistent with the statute under which the assistance is made available.

"(4) DOCUMENTATION OF DECISIONS.—

"(A) The Secretary shall award or allocate assistance only in response to a written application in a form approved in advance by the Secretary, except where other award or allocation procedures are specified in statute.

"(B) The Secretary shall ensure that documentation and other information regarding each application for assistance is sufficient to indicate the basis on which any award or allocation was made or denied. The preceding sentence shall apply to—

State and local governments.

"(i) any application for an award or allocation of assistance made by the Secretary to a State, unit of general local government, or other recipient of assistance, and

"(ii) any application for a subsequent award or allocation of such assistance by such State, unit of general local government or other recipient.

Public information.

"(C) The Secretary shall ensure that each application and all related documentation and other information referred to in subparagraph (B) is readily available for public inspection for a period of not less than 10 years, beginning not less than 30 days following the date on which the award or allocation is made.

"(5) EMERGENCY EXCEPTION.—The Secretary may waive the requirements of paragraphs (1), (2), and (3) if the Secretary determines that the waiver is required for adequate response to an emergency. Not less than 30 days after providing a waiver under the preceding sentence, the Secretary shall publish in the Federal Register the Secretary's reasons for so doing.

"(b) DISCLOSURES BY APPLICANTS.—The Secretary shall require the disclosure of information with respect to any application for assistance under this title submitted by any applicant who has received or, in the determination of the Secretary, can reasonably be expected to receive assistance under this title in excess of $200,000 in the aggregate during any fiscal year. Such information shall include the following:

"(1) OTHER GOVERNMENT ASSISTANCE.—Information regarding any related assistance from the Federal Government, a State, or a unit of general local government, or any agency or instrumentality thereof, that is expected to be made available with respect to the project or activities for which the applicant is seeking assistance under this title. Such related assistance shall include but not be limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

"(2) INTERESTED PARTIES.—The name and pecuniary interest of any person who has a pecuniary interest in the project or activities for which the applicant is seeking assistance. Persons with a pecuniary interest in the project or activity shall include but not be limited to any developers, contractors, and consultants involved in the application for assistance under this title or the planning, development, or implementation of the project or activity. For purposes of this paragraph, residency of an individual in housing for which assistance is being sought shall not, by itself, be considered a pecuniary interest.

Reports.

"(3) EXPECTED SOURCES AND USES.—A report satisfactory to the Secretary of the expected sources and uses of funds that are to be made available for the project or activity.

"(c) UPDATING OF DISCLOSURE.—During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required under the previous subsection within 30 days of any substantial change.

"(d) REGULATION OF LOBBYISTS AND CONSULTANTS.—

"(1) LIMITATION OF FEES.—Any person who is engaged for pay or for any consideration for the purpose of attempting to influence any award or allocation of assistance by the Secretary shall not seek or receive any fee that is—

"(A) based on the amount of assistance or number of units that may be provided by the Secretary, or

"(B) contingent on an award of assistance by the Secretary, except that professional services related to a project may be donated in whole or in part to a community housing development organization in the event assistance for a project is not awarded.

"(2) REGISTRATION.—Any person who will be engaged for pay or for any consideration for the purpose of attempting to influence any award or allocation of assistance by the Secretary shall, before doing anything in furtherance of such object, register by submitting to the Secretary a sworn statement containing—

"(A) such person's name and business address,

"(B) the nature and duration of any previous Federal employment,

"(C) the name and address of the person by whom such person is employed, and in whose interest such person appears or works,

"(D) the duration of such employment,

"(E) how much such person is paid and is to receive,

"(F) by whom such person is paid or is to be paid,

"(G) how much such person is to be paid for expenses, and

"(H) what expenses are to be included.

For purposes of this paragraph, ownership by an individual of a single family home financed under section 502 does constitute pay or consideration.

"(3) REPORTING.—Each person registering under paragraph (2) shall, between the first and tenth day of each calendar quarter, so long as such person's activity continues, file with the Secretary a detailed report under oath setting forth—

"(A) all money received and expended by such person during the preceding calendar quarter in carrying on such person's work;

"(B) an identification of the person or persons to whom funds were paid and the purposes of such payments;

"(C) all awards or allocations of assistance under this title that the person attempted to influence; and

"(D) any contacts with any employee of the Department for the purpose of attempting to influence any award or allocation of assistance by the Secretary.

"(e) REMEDIES AND PENALTIES.—

"(1) ADMINISTRATIVE REMEDIES.—If the Secretary receives or obtains information providing a reasonable basis to believe that a violation of subsection (b), (c), or (d) this section has occurred, the Secretary shall—

"(A) in the case of a selection that has not been made, determine whether to terminate the selection process or take other appropriate actions; and

"(B) in the case of a selection that has been made, determine whether to—

"(i) void or rescind the selection, subject to review and determination on the record after opportunity for a hearing;

"(ii) impose sanctions upon the violator, including debarment, subject to review and determination on the record after opportunity for a hearing;

"(iii) recapture any funds that have been disbursed;

"(iv) permit the violating applicant selected to continue to participate in the program; or

"(v) take any other actions that the Secretary considers appropriate.

The Secretary shall publish in the Federal Register a descriptive statement of each determination made and action taken under this paragraph.

"(2) CIVIL PENALTIES.—Whoever violates any section of this section shall be subject to the imposition of a civil penalty in a civil action brought by the United States in an appropriate district court of the United States. A civil penalty under this paragraph may not exceed—

"(A) $100,000 in the case of an individual; or

"(B) $1,000,000 in the case of an applicant other than an individual.

"(3) DEPOSIT OF PENALTIES IN INSURANCE FUNDS.—Notwithstanding any other provision of law, all civil money penalties collected under this section shall be deposited in the Rural Housing Insurance Fund.

"(4) NONEXCLUSIVENESS OF REMEDIES.—This subsection may not be construed to limit the applicability of any requirements, sanctions, penalties, or remedies established under any other law. The Secretary shall not be relieved of any obligation to carry out the requirements of this section because such other requirements, sanctions, penalties, or remedies apply.

"(f) LIMITATION OF ASSISTANCE.—The Secretary shall certify that assistance provided by the Secretary to any housing project shall not be more than is necessary to provide affordable housing after taking account of assistance from all Federal, State, and local sources. The Secretary shall adjust the amount of assistance provided to an applicant to compensate for any changes reported under subsection (c).

"(g) REGULATIONS.—Not less than 180 days following enactment of this Act, the Secretary shall promulgate regulations to implement this section.

"(h) DEFINITION.—For purposes of this section, the term 'assistance' means any housing grant, loan, guarantee, insurance, rebate, subsidy, tax credit benefit, or other form of direct or indirect assistance.

"(i) REPORT BY THE SECRETARY.—The Secretary shall submit to the Congress, not later than 180 days following the date of enactment of this section, a report describing actions taken to carry out this section, including actions to inform and educate officers and employees of the Department of Agriculture regarding the provisions of this section.".

42 USC 1490p note.

(b) EFFECTIVE DATE.—Section 536 of the Housing Act of 1949, as added by subsection (a), shall take effect on the effective date of regulations implementing such section.

SEC. 402. REUSE OF SECTION 515 LOAN AUTHORITY.

Section 515 of the Housing Act of 1949, as amended by section 207, is amended by adding at the end the following:

"(u) REUSE OF LOAN AUTHORITY.—Loan authority that is obligated under this section but that is not expended due to any action that removes the original borrower, may be reallocated to a different borrower during the same fiscal year in which the loan authority was obligated.".

12 USC 1715z-1a note.

TITLE V—NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SEC. 501. PURPOSE.

The purpose of this title is to establish a National Commission on Severely Distressed Public Housing—

(1) to identify those public housing projects in the Nation that are in a severe state of distress;

(2) to assess the most promising strategies to improve the condition of severely distressed public housing projects that have been implemented by public housing authorities, other Government agencies at the Federal, State, and local level, public housing tenants, and the private sector;

(3) to develop a national action plan to eliminate by the year 2000 unfit living conditions in public housing projects determined by the Commission to be the most severely distressed.

SEC. 502. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the National Commission on Severely Distressed Public Housing (hereinafter in this title referred to as the "Commission").

SEC. 503. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—(1) The Commission shall be composed of 18 members, appointed not later than 60 days after amounts are appropriated pursuant to section 506 or made available from non-Federal sources. The members shall be as follows:

(A) 6 members to be appointed by the Secretary of Housing and Urban Development;

(B) 6 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate; and

(C) 6 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives.

(2) The Secretary and the congressional leaders referred to in paragraph (1) shall each appoint as member of the Commission—

(A) 2 individuals who are elected public officials at the Federal, State, or local level;

(B) 2 individuals who are local public housing officials or representatives of public housing authorities with experience in eliminating unfit living conditions in severely distressed public housing projects;

(C) 1 individual who is a tenant or a representative of tenants or a tenant organization; and

(D) 1 individual who is a leader of business or labor or is a distinguished academic in the field of housing and urban development.

(b) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(c) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(d) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(e) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

SEC. 504. FUNCTIONS OF THE COMMISSION.

(a) IDENTIFICATION OF SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS.—The Commission shall identify those public housing projects that are in a severe state of distress, giving special attention to projects that—

(1) require major redesign to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the project;

(2) are occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(3) are locations for recurrent vandalism and criminal activity (including drug-related criminal activity);

(4) suffer from management deficiencies, including absence of effective management systems to (A) repair and re-rent vacant units expeditiously; (B) maintain units and common areas; (C) terminate the tenancy of tenants engaged in activity that adversely affects the health, safety, and right to quiet enjoyment of their neighbors; (D) collect rents; (E) encourage tenant participation and cooperation in management and maintenance; and (F) maintain adequate security; and

(5) meet such other criteria that the Commission determines to be evidence of unfit living conditions.

(b) EVALUATION OF ALTERNATIVE STRATEGIES.—The Commission shall assess the most promising strategies to eliminate unfit living conditions in severely distressed public housing projects that have been implemented by public housing authorities, other Government agencies at the Federal, State, and local level, public housing tenants, and the private sector. Such strategies may include but shall not be limited to—

(1) measures to correct management deficiencies;

(2) the provision of supportive services to project residents, and, if necessary, the redesign of projects to accommodate such services;

(3) the redesign of projects to reduce density and otherwise eliminate harmful design elements;

(4) the conversion of projects to mixed-income housing developments; and

(5) the total or partial demolition or disposition of projects.

Evaluation of such strategies shall consider efforts to provide for replacement of public housing dwelling units that were demolished, disposed of or otherwise removed from use by low-income persons.

(c) DEVELOPMENT OF NATIONAL ACTION PLAN.—The Commission shall establish a national action plan to eliminate by the year 2000 unfit living conditions in public housing projects identified in subsection (a). The action plan shall—

(1) specify objectives that the Department of Housing and Urban Development could achieve in cooperation with public housing authorities, public housing tenants, and other interested parties;

(2) provide a schedule by which such objectives could be achieved;

(3) recommend any legislative or administrative action that is necessary to achieve such objectives;

(4) make recommendations regarding any necessary replacement of public housing; and

(5) calculate, in accordance with the schedule established above, any impact on Federal expenditures necessary to achieve such objectives.

(d) FINAL REPORT.—Not later than 12 months after the Commission is established pursuant to section 503(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the information, evaluations, and recommendations specified above.

SEC. 505. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) The Commission may secure directly from any department or agency of the United States such data and information as the Commission may require for the purpose of this subtitle, including but not limited to comprehensive plans submitted by public housing authorities in accordance with section 14 of the United States Housing Act of 1937, and applications submitted by public housing authorities requesting funds for the major reconstruction of public housing projects in accordance with section 5 of such Act. Upon request of the Commission, any such department or agency shall furnish such data or information. The Commission may acquire data or information directly from public housing authorities to the same extent the Secretary could acquire such data or information.

(2) The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this subtitle.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge its duties under this subtitle.

(f) Staff.—(1) The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) Advisory Committee.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title not to exceed $2,000,000 for fiscal year 1990 and $1,000,000 for fiscal year 1991. Funds appropriated under this section shall remain available until expended.

SEC. 507. SUNSET.

The Commission shall terminate upon the expiration of 18 months following the appointment of all the members under section 503(a).

12 USC 1437aa note.

TITLE VI—NATIONAL COMMISSION ON NATIVE AMERICAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

SEC. 601. ESTABLISHMENT.

There is established a Commission to be known as the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing (hereinafter in this section referred to as the "Commission").

SEC. 602. MEMBERSHIP.

(a) Appointment.—(1) The Commission shall be composed of 12 members, appointed not later than 60 days after amounts are appropriated pursuant to section 605 of this Act or made available from non-Federal sources. The members shall be appointed as follows:

(A) 2 members to be appointed by the Secretary of Housing and Urban Development;

(B) 2 members appointed by the Chairman and the Ranking Minority Member of the Select Committee on Indian Affairs of the Senate;

(C) 3 members appointed by the Chairman and the Ranking Minority Member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance, and Urban Affairs of the House of Representatives;

(D) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Urban

Affairs of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(E) 1 Native Hawaiian appointed by the Secretary of Housing and Urban Development; and

(F) 1 Native Hawaiian appointed by the Chairman and Ranking Minority Member of the Select Committee on Indian Affairs of the Senate.

(2) Except as provided in paragraph (3), the Secretary and the congressional leaders referred to in subparagraphs (A) through (D) of paragraph (1) shall appoint as members of the Commission individuals who are elected officials of Indian tribes, who are officials of Indian housing authorities, or who have experience in Federal Indian housing programs.

(3) The congressional leaders referred to in subparagraphs (C) and (D) paragraph (1) shall appoint 1 individual under each such clause with experience in housing development and finance.

(4) The members appointed under subparagraphs (E) and (F) of paragraph (1) shall be individuals with experience in the Native Hawaiian community in housing programs available to beneficiaries of the Hawaiian Homes Commission Act of 1920.

(b) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission.

(c) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(d) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(e) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the original manner in which the appointment was made.

(f) PROHIBITION ON ADDITIONAL PAY.—Members on the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

(g) TERMINATION.—The Commission shall terminate upon the expiration of 18 months after all members of the Commission are appointed under paragraph (1).

SEC. 603. FUNCTIONS OF THE COMMISSION.

(a) EVALUATION OF CURRENT PROBLEMS.—The Commission shall evaluate the factors currently impeding the development of safe and affordable housing for American Indians, Alaska Natives, and Native Hawaiians, including factors related to tribal administrative capacity, property management, access to financial markets, infrastructure development, and the adequacy of existing housing programs for Indians, Alaska Natives, and Native Hawaiians.

(b) EVALUATION OF ALTERNATIVE STRATEGIES.—The Commission shall assess the most promising strategies for the development, management, and modernization of housing for Indians, Alaska Natives, and Native Hawaiians. The Commission shall, in particular, evaluate housing strategies that have been or could be carried out by Indian housing authorities, public housing authorities, other government agencies at the Federal, State and local level, and the private sector.

(c) DEVELOPMENT OF AN ACTION PLAN.—The Commission shall establish an action plan for American Indian and Alaska Native housing based upon the assessment in subsections (a) and (b). The action plan shall—

(1) specify objectives that the Department of Housing and Urban Development could achieve in cooperation with Indian housing authorities, Indian tribes, Native Hawaiian organizations, and other interested parties;

(2) provide a schedule by which such objectives could be achieved; and

(3) recommend legislative, regulatory, or administrative action necessary to achieve such objectives.

(d) FINAL REPORT.—Not later than 12 months after the appointment of members of the Commission under section 602(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the information, evaluations, and recommendations specified above.

(e) DEFINITION.—As used in this section, the term "Native Hawaiian organization" means any organization which is established and controlled by beneficiaries or eligible beneficiaries under the provisions established by the Hawaiian Homes Commission Act of 1920.

SEC. 604. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may for the purpose of carrying out this title, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) The Commission may secure directly from any department or agency of the United States such data and information as the Commission may require for the purpose of this title. Upon request of the Commission, any such department or agency shall furnish such data or information. The Commission may require data or information directly from Indian housing authorities to the same extent the Secretary could acquire such data or information.

(2) The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this title.

(d) MAILS. —The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING. —The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge its duties under this title.

(f) STAFF.—(1) The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the

Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $500,000 for each of the fiscal years 1990 and 1991. Any sums so appropriated shall remain available until expended.

TITLE VII—MISCELLANEOUS

SEC. 701. NULLIFICATION OF RIGHT OF REDEMPTION OF SINGLE FAMILY MORTGAGORS UNDER SECTION 312 REHABILITATION LOAN PROGRAM.

Real property.
State and local governments.
42 USC 1452c.

(a) IN GENERAL.—Whenever with respect to a single family mortgage securing a loan under section 312 of the Housing Act of 1964, the Secretary of Housing and Urban Development or its foreclosure agent forecloses in any Federal or State court or pursuant to a power of sale in a mortgage, the purchaser at the foreclosure sale shall be entitled to receive a conveyance of title to, and possession of, the property, subject to any interests senior to the interests of the Secretary. With respect to properties that are vacant and abandoned, notwithstanding any State law to the contrary, there shall be no right of redemption (including all instances any right to possession based upon any right of redemption) in the mortgagor or any other person subsequent to the foreclosure sale in connection with such single family mortgage. The appropriate State official or the trustee, as the case may be, shall execute and deliver a deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale, consistent with applicable procedures in the jurisdiction and without regard to any such right of redemption.

(b) FORECLOSURE BY OTHERS.—Whenever with respect to a single family mortgage on a property that also has a single family mortgage securing a loan under section 312 of the Housing Act of 1964, a mortgagee forecloses in any Federal or State court or pursuant to a power of sale in a mortgage, the Secretary of Housing and Urban Development, if the Secretary is purchaser at the foreclosure sale, shall be entitled to receive a conveyance of title to, and possession of, the property, subject to the interests senior to the interests of the mortgagee. Notwithstanding any State law to the contrary, there shall be no right of redemption (including in all instances any right to possession based upon any right of redemption) if the mortgagor or any other person subsequent to the foreclosure sale to the Secretary in connection with a property that secured a single family mortgage for a loan under section 312 of the Housing Act of 1964. The appropriate State official or the trustee, as the case may be, shall execute and deliver a deed or other appropriate instrument conveying title to the Secretary, who is the purchaser at the foreclosure sale, consistent with applicable procedures in the jurisdiction and without regard to any such right of redemption.

(c) VERIFICATION OF TITLE.—The following actions shall be taken in order to verify title in the purchaser at the foreclosure sale:

(1) In the case of a judicial foreclosure in any Federal or State court, there shall be included in the petition and in the judgment of foreclosure a statement that the foreclosure is in accordance with this subsection and that there is no right of redemption in the mortgagor or any other person.

(2) In the case of a foreclosure pursuant to a power of sale provision in the mortgage, the statement required in paragraph (1) shall be included in the advertisement of the sale and either in the recitals of the deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale or in an affidavit or addendum to the deed.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "mortgage" means a deed of trust, mortgage, deed to secure debt, security agreement, or any other form of instrument under which any interest in property, real, personal, or mixed, or any interest in property, including leaseholds, life estates, reversionary interests, and any other estates under applicable State law, is conveyed in trust, mortgaged, encumbered, pledged, or otherwise rendered subject to a lien, for the purpose of securing the payment of money or the performance of an obligation.

(2) The term "single family mortgage" means a mortgage that covers property that includes a 1- to 4-family residence.

SEC. 702. CDBG GRANTS TO INDIAN TRIBES.

(a) ELIMINATION FROM DEFINITION OF NONENTITLEMENT AREAS.—Section 102(a)(7) of the Housing and Community Development Act of 1974 is amended by striking the period at the end and inserting the following: "and does not include Indian tribes.". 42 USC 5302.

(b) ALLOCATION.—Section 106 of the Housing and Community Development Act of 1974 is amended— 42 USC 5306.

(1) in subsection (a)—

(A) by inserting "and Indian tribes" before the period at the end of the first sentence; and

(B) by striking the period at the end and inserting the following: "Indian tribes shall receive grants from such allocation pursuant to subsection (b)(7).";

(2) in subsection (b)(1), by striking "The" and inserting "After taking into account the set-aside for Indian tribes under paragraph (7), the";

(3) in subsection (b)(2), by striking "The" and inserting "After taking into account the set-aside for Indian tribes under paragraph (7), the";

(4) in subsection (b), by adding at the end the following new paragraphs:

"(7)(A) For each fiscal year, the Secretary shall reserve for grants to Indian tribes, from amounts approved in appropriation Acts under section 103 for grants for the year under subsection (a), not more than 1 percent of the amounts appropriated under such section.

"(B) The Secretary shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment."; and

(5) in subsection (d), by striking paragraph (4).

(c) OFFICE OF INDIAN AND ALASKA NATIVE PROGRAMS.—The Secretary of Housing and Urban Development shall administer grants to Indian tribes under title I of the Housing and Community Development Act of 1974 through the Office of Indian and Alaska Native Programs of the Department of Housing and Urban Development.

42 USC 5306 note.

(d) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section and the amendments made by this section in a manner and by such time to provide for the effectiveness of such regulations with respect to amounts appropriated for fiscal year 1991 under section 103 of the Housing and Community Development Act of 1974.

42 USC 5306 note.

(e) APPLICABILITY.—The amendments made by this section shall apply to amounts approved in any appropriation Act under section 103 of the Housing and Community Development Act of 1974 for fiscal year 1991 and each fiscal year thereafter.

42 USC 5306 note.

TITLE VIII—SECTION 8 RENT ADJUSTMENTS

SEC. 801. ANNUAL ADJUSTMENT FACTORS FOR SECTION 8 RENTS.

Contracts.

42 USC 1437f note.

(a) EFFECT OF PRIOR COMPARABILITY STUDIES.—

(1) IN GENERAL.—In any case in which, in implementing section 8(c)(2) of the United States Housing Act of 1937—

(A) the use of comparability studies by the Secretary of Housing and Urban Development or the appropriate State agency as an independent limitation on the amount of rental adjustments resulting from the application of an annual adjustment factor under such section has resulted in the reduction of the maximum monthly rent for units covered by the contract or the failure to increase such contract rent to the full amount otherwise permitted under the annual adjustment factor, or

(B) an assistance contract requires a project owner to make a request before becoming eligible for a rent adjustment under the annual adjustment factor and the project owner certifies that such a request was not made because of anticipated negative adjustment to the project rents,

for fiscal year 1980, and annually thereafter until regulations implementing this section take effect, rental adjustments shall be calculated as an amount equal to the annual adjustment factor multiplied by a figure equal to the contract rent minus the amount of contract rent attributable to debt service. Upon the request of the project owner, the Secretary shall pay to the project owner the amount, if any, by which the total rental adjustment calculated under the preceding sentence exceeds the total adjustments the Secretary or appropriate State agency actually approved, except that solely for purposes of calculating retroactive payments under this subsection, in no event shall any project owner be paid an amount less than 30 percent of a figure equal to the aggregate of the annual adjustment factor multiplied by the full contract rent for each year on or after fiscal year 1980, minus the sum of the rental payments the Secretary or appropriate State agency actually approved for those years. The method provided by this subsection shall be the exclusive method by which retroactive payments, whether or not requested, may be made for projects subject to this subsection for the period from fiscal year 1980 until the regulations issued under subsection (e) take effect. For purposes of this paragraph, "debt service" shall include interest, principal, and mortgage insurance premium if any.

(2) **Applicability.**—

(A) **In general.**—Subsection (a) shall apply with respect to any use of comparability studies referred to in such subsection occurring before the effective date of the regulations issued under subsection (e).

(B) **Final litigation.**—Subsection (a) shall not apply to any project with respect to which litigation regarding the authority of the Secretary to use comparability studies to limit rental adjustments under section 8(c)(2) of the United States Housing Act of 1937 has resulted in a judgment before the effective date of this Act that is final and not appealable (including any settlement agreement).

42 USC 1437f note.

(b) **3-Year Payments.**—The Secretary shall provide the amounts under subsection (a) over the 3-year period beginning on the effective date of the regulations issued under subsection (e). The Secretary shall provide the payments authorized under subsection (a) only to the extent approved in subsequent appropriations Acts. There are authorized to be appropriated such sums as may be necessary for this purpose.

Appropriation authorization.

Regulations.

(c) **Comparability Studies.**—Section 8(c)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(C)) is amended by inserting after the period at the end of the first sentence the following: "In implementing the limitation established under the preceding sentence, the Secretary shall establish regulations for conducting comparability studies for projects where the Secretary has reason to believe that the application of the formula adjustments under subparagraph (A) would result in such material differences. The Secretary shall conduct such studies upon the request of any owner of any project, or as the Secretary determines to be appropriate by establishing, to the extent practicable, a modified annual adjustment factor for such market area, as the Secretary shall designate, that is geographically smaller than the applicable housing area used for the establishment of the annual adjustment factor under subparagraph (A). The Secretary shall establish such modified annual adjustment factor on the basis of the results of a study conducted by the Secretary of the rents charged, and any change in such rents over the previous year, for assisted units and unassisted units of similar quality, type, and age in the smaller market area. Where the Secretary determines that such modified annual adjustment factor cannot be established or that such factor when applied to a particular project would result in material differences between the rents charged for assisted units and unassisted units of similar quality, type, and age in the same market area, the Secretary may apply an alternative methodology for conducting comparability studies in order to establish rents that are not materially different from rents charged for comparable unassisted units.".

42 USC 1437f note.

(d) **Determination of Contract Rent.**—(1) The Secretary shall upon the request of the project owner, make a one-time determination of the contract rent for each project owner referred to in subsection (a). The contract rent shall be the greater of the contract rent—

(A) currently approved by the Secretary under section 8(c)(2) of the United States Housing Act of 1937, or

(B) calculated in accordance with the first sentence of subsection (a)(1).

(2) All adjustments in contract rents under section 8(c)(2) of the United States Housing Act of 1937, including adjustments involving projects referred to in subsection (a), that occur beginning with the first anniversary date of the contract after the regulations issued under subsection (e) take effect shall be made in accordance with the annual adjustment and comparability provisions of sections 8(c)(2)(A) and 8(c)(2)(C) of such Act, respectively, using the one-time contract rent determination under paragraph (1).

(e) REGULATIONS.—The Secretary shall issue regulations to carry out this section and the amendments made by this section, including the amendments made by subsection (c) with regard to annual adjustment factors and comparability studies. The Secretary shall issue such regulations not later than the expiration of the 180-day period beginning on the date of the enactment of this Act.

42 USC 1437f note.

(f) REPORT.—Not later than March 1, 1990, the Secretary shall report to the Congress on the feasibility and desirability, and the budgetary, legal, and administrative aspects, of adjusting contract rents under section 8(c)(2)(C) of the United States Housing Act of 1937 on the basis of any alternative methodologies that are simpler in application than individual project comparability studies.

(g) TECHNICAL AMENDMENT.—The first sentence of section 8(c)(2)(C) of the United States Housing Act of 1937 is amended by inserting ", type," after "quality".

42 USC 1437f.

Approved December 15, 1989.

LEGISLATIVE HISTORY—H.R. 1:

CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 14, considered and passed House.
Nov. 21, considered and passed Senate, amended. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Dec. 15, Presidential statement.

Public Law 101-236
101st Congress

An Act

Dec. 15, 1989
[H.R. 3671]

To amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO FEDERAL AVIATION ACT.

EXTENSION OF PROGRAM.—Section 905(d)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1475(d)(4)) is amended by striking "2-year" and inserting "28 month".

Safety.

SEC. 2. INSTALLATION AND EVALUATION OF COLLISION AVOIDANCE SYSTEMS.

Section 601(f) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (6); and

(2) by inserting immediately after paragraph (2) the following new paragraphs:

"(3) OPERATIONAL EVALUATION.—The Administrator shall institute, for a 1-year period beginning not later than December 30, 1990, a program for the operational evaluation of the collision avoidance system known as TCAS-II, in order to collect and assess safety and operational data from the civil aircraft equipped with such system. In conducting the program, the Administrator shall encourage the participation of foreign air carriers which operate civil aircraft equipped with such system.

"(4) EXTENSION OF TIME.—If the Administrator determines that extending the deadline contained in paragraph (2) is necessary—

"(A) to promote a safe and orderly transition to operation of a fleet of civil aircraft described in paragraph (2) which is equipped with the collision avoidance system known as TCAS-II, or

"(B) to promote other safety objectives,

the Administrator may extend such deadline for a period not to exceed 2 years.

"(5) COMPATABILITY OF WINDSHEAR EQUIPMENT INSTALLATION SCHEDULE.—The Administrator shall consider the feasibility and desirability of amending the schedule for the installation of airborne low-altitude windshear equipment in order to make such schedule compatible with the schedule for the installation of the collision avoidance system known as TCAS-II.".

Virginia.

SEC. 3. PENINSULA AIRPORT CONVEYANCE.

Subsection (b) of the first section of the Act entitled "An Act to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport

Commission, Virginia, for airport purposes", approved November 6, 1986 (Public Law 99-618; 100 Stat. 3490), is amended—

(1) in paragraph (3) by striking "7.5 acres" and inserting in lieu thereof "20.5 acres"; and

(2) by striking paragraph (4).

SEC. 4. EXCESS LAND DISPOSAL.

Airports.

Paragraph 14 of section 511(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)) is amended to read as follows:

"(14) if the airport operator or owner receives a grant before, on, or after December 31, 1987, for the purchase of land for airport development purposes (other than noise compatibility purposes)—

"(A) the owner or operator will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States proportionate share of the fair market value of the land;

"(B) such disposition will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with the operation of the airport;

"(C) that portion of the proceeds of such disposition which is proportionate to the United States share of the cost of acquisition of such land will—

"(i) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system; or

"(ii) be paid to the Secretary for deposit in the Trust Fund if no such eligible project exists;

subject to the requirement that land shall be considered to be needed for airport purposes under this paragraph if (I) it may be needed for aeronautical purposes (including runway protection zone) or serves as noise buffer land and (II) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport, and subject to the further requirement that land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or the Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the use of such land, did not object to such use, and the land continues to be used for that purpose;".

Approved December 15, 1989.

LEGISLATIVE HISTORY—H.R. 3671:

HOUSE REPORTS: No. 101-371 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Nov. 17, considered and passed House.
Nov. 21, considered and passed Senate, amended. House concurred in Senate amendment with an amendment. Senate concurred in House amendment.

Public Law 101-237
101st Congress

An Act

Dec. 18, 1989
[H.R. 901]

To amend title 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health-care, education, housing, and memorial affairs programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Benefits Amendments of 1989.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

38 USC 101 note.

(a) Short Title.—This Act may be cited as the "Veterans' Benefits Amendments of 1989".

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

(a) Title 38, U.S.C.—Section 101(1) is amended to read as follows:

"(1) The terms 'Secretary' and 'Administrator' mean the Secretary of Veterans Affairs, and the terms 'Department' and 'Veterans' Administration' mean the Department of Veterans Affairs.".

(b) This Act.—For purposes of this Act, the term "Secretary" means the Secretary of Veterans Affairs.

TITLE I—COMPENSATION AND PENSION

Part A—Compensation Rate Increases

SEC. 101. DISABILITY COMPENSATION.

(a) 4.7 Percent Increase.—Section 314 is amended—

(1) by striking out "$73" in subsection (a) and inserting in lieu thereof "$76";

(2) by striking out "$138" in subsection (b) and inserting in lieu thereof "$144";

(3) by striking out "$210" in subsection (c) and inserting in lieu thereof "$220";

(4) by striking out "$300" in subsection (d) and inserting in lieu thereof "$314";

(5) by striking out "$426" in subsection (e) and inserting in lieu thereof "$446";

(6) by striking out "$537" in subsection (f) and inserting in lieu thereof "$562";

(7) by striking out "$678" in subsection (g) and inserting in lieu thereof "$710";

(8) by striking out "$784" in subsection (h) and inserting in lieu thereof "$821";

(9) by striking out "$883" in subsection (i) and inserting in lieu thereof "$925";

(10) by striking out "$1,468" in subsection (j) and inserting in lieu thereof "$1,537";

(11) in subsection (k)—

(A) by striking out "$63" both places it appears and inserting in lieu thereof "$66"; and

(B) by striking out "$1,825" and "$2,559" and inserting in lieu thereof "$1,911", and "$2,679", respectively.

(12) by striking out "$1,825" in subsection (l) and inserting in lieu thereof "$1,911";

(13) by striking out "$2,012" in subsection (m) and inserting in lieu thereof "$2,107";

(14) by striking out "$2,289" in subsection (n) and inserting in lieu thereof "$2,397";

(15) by striking out "$2,559" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,679";

(16) by striking out "$1,098" and "$1,636" in subsection (r) and inserting in lieu thereof "$1,150" and "$1,713", respectively; and

(17) by striking out "$1,643" in subsection (s) and inserting in lieu thereof "$1,720"; and

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code. 38 USC 314 note.

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$88" in clause (A) and inserting in lieu thereof "$92";

(2) by striking out "$148" and "$46" in clause (B) and inserting in lieu thereof "$155" and "$48", respectively;

(3) by striking out "$61" and "$46" in clause (C) and inserting in lieu thereof "$64" and "$48", respectively;

(4) by striking out "$71" in clause (D) and inserting in lieu thereof "$74";

(5) by striking out "$161" in clause (E) and inserting in lieu thereof "$169"; and

(6) by striking out "$136" in clause (F) and inserting in lieu thereof "$142";

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$395" and inserting in lieu thereof "$414".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$564	W-4	$809
E-2	581	O-1	714

E-3	597	O-2	737
E-4	634	O-3	789
E-5	651	O-4	834
E-6	666	O-5	920
E-7	698	O-6	1,038
E-8	737	O-7	1,121
E-9	[1] 770	O-8	1,229
W-1	714	O-9	1,318
W-2	742	O-10	[2] 1,446
W-3	764		

“[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $831.

“[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,550.”;

(2) by striking out “$62” in subsection (b) and inserting in lieu thereof “$65”;

(3) by striking out “$161” in subsection (c) and inserting in lieu thereof “$169”; and

(4) by striking out “$79” in subsection (d) and inserting in lieu thereof “$83”.

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out “$271” in clause (1) and inserting in lieu thereof “$284”;

(2) by striking out “$391” in clause (2) and inserting in lieu thereof “$409”;

(3) by striking out “$505” in clause (3) and inserting in lieu thereof “$529”; and

(4) by striking out “$505” and “$100” in clause (4) and inserting in lieu thereof “$529” and “$105”, respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out “$161” in subsection (a) and inserting in lieu thereof “$169”;

(2) by striking out “$271” in subsection (b) and inserting in lieu thereof “$284”; and

(3) by striking out “$138” in subsection (c) and inserting in lieu thereof “$144”.

38 USC 314 note.

SEC. 106. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this part shall take effect on December 1, 1989.

PART B—COMPENSATION AND PENSION PROGRAM CHANGES

SEC. 111. LIMITATIONS ON PENSIONS OF CERTAIN VETERANS RECEIVING INSTITUTIONAL CARE.

(a) PAYMENT OF PENSION.—Section 3203(a)(1) is amended—

(1) by striking out “$60” in subparagraphs (A) and (B) and inserting in lieu thereof “$90”;

(2) by striking out “second” in subparagraph (A) and inserting in lieu thereof “third”;

(3) by striking out "hospital or" each place it appears in subparagraphs (B) and (D).

(b) Effective Date.—The amendments made by subsection (a) shall take effect on February 1, 1990. 38 USC 3203 note.

SEC. 112. EXPANSION OF CLOTHING ALLOWANCE.

Section 362 is amended—

(1) by striking out "Administrator" the first two places it appears and inserting in lieu thereof "Secretary";

(2) by striking out all after "each veteran" and inserting in lieu thereof "who—

"(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

"(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outergarments.".

SEC. 113. REDUCTION IN PERIOD OF MARRIAGE REQUIRED FOR ELIGIBILITY FOR CERTAIN SURVIVOR BENEFITS.

Section 418(c)(1) is amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 114. TEMPORARY PROGRAM OF VOCATIONAL TRAINING.

(a) Reduction in Maximum Age of New Pension Recipients for Whom Vocational Evaluations Are Required.—Section 524(a) is amended by striking out "50" in paragraphs (1) and (2) and inserting in lieu thereof "45".

(b) Preservation of Disability Rating.—Section 524 is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaluation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.".

SEC. 115. DECISIONS AND NOTICES OF DECISIONS.

(a) In General.—(1) Chapter 51 is amended by inserting after section 3003 the following new section:

"§ 3004. Decisions and notices of decisions

"(a)(1) In the case of a decision by the Secretary under section 211(a) of this title affecting the provision of benefits to a claimant, the Secretary shall, on a timely basis, provide to the claimant (and to the claimant's representative) notice of such decision. The notice

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shall include an explanation of the procedure for obtaining review of the decision.

"(2) In any case where the Secretary denies a benefit sought, the notice required by paragraph (1) of this subsection shall also include (A) a statement of the reasons for the decision, and (B) a summary of the evidence considered by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3003 the following new item:

"3004. Decisions and notices of decisions.".

38 USC 3004 note.

(b) EFFECTIVE DATE.—Section 3004 of title 38, United States Code, as added by subsection (a), shall apply with respect to decisions by the Secretary of Veterans Affairs made after January 31, 1990.

TITLE II—HEALTH-CARE PROVISIONS

SEC. 201. EXTENSION OF CERTAIN EXPIRING PROGRAMS.

(a) RESPITE CARE.—Section 620B(c) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) STATE HOME GRANT AUTHORITY.—Section 5033(a) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

38 USC 612 note.

(c) HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

38 USC 610 note.

(d) ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.—Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 379) is amended by striking out "and 1988" and inserting in lieu thereof ", 1988 and 1989".

38 USC 612A note.

(e) UPDATES OF REPORTS UNDER SECTION 110(e) OF PUBLIC LAW 98-528.—(1) Not later than February 1, 1990, the Special Committee on Post-Traumatic Stress Disorder (hereinafter in this subsection referred to as the "Special Committee") established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2691) shall submit concurrently to the Secretary of Veterans Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this subsection referred to as the "Committees") a report containing information updating the reports submitted by the Secretary under section 110(e) of such Act, together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.

(2) Not later than 60 days after receiving the report under paragraph (1), the Secretary shall submit to the Committees any comments concerning the report that the Secretary considers appropriate.

SEC. 202. REIMBURSEMENT FOR EMERGENCY CARE OF VOCATIONAL REHABILITATION PARTICIPANTS.

(a) IN GENERAL.—Section 628(a)(2)(D) is amended by striking out "found to be" and all that follows through "rehabilitation training and" and inserting in lieu thereof "(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)".

38 USC 628 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act.

SEC. 203. APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS.

Section 4106 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

SEC. 204. APPROVAL OF SPECIAL RATES OF PAY.

Section 4107(g)(4) is amended—

(1) in the first sentence, by striking out "ninety days prior to" and inserting in lieu thereof "45 days before"; and

(2) by adding at the end the following new sentence: "If, before such effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.".

SEC. 205. REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL WHO ARE RETIRED MILITARY PERSONNEL.

(a) EXTENSION TO REGISTERED NURSES.—Section 4107(i) is amended—

(1) by inserting ", and registered nurse positions," after "physician positions"; and

(2) by adding at the end the following new sentence: "The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

38 USC 4107 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the first day of the first pay period beginning on or after the date of the enactment of this Act.

SEC. 206. LEAVE SHARING AND LEAVE BANKS.

(a) IN GENERAL.—Section 4108 is amended by adding at the end the following new subsection:

Health care professionals.

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals referred to in the matter preceding clause (1) of subsection (a) of this section. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) of this subsection shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1) of this subsection, and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) of this subsection to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) of this paragraph shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4) of this subsection.".

38 USC 4108 note.

(b) IMPLEMENTATION.—(1) The Secretary shall implement the programs provided for in subsection (e) of section 4108 of title 38, United States Code (as added by subsection (a) of this section), not later than October 1, 1990.

5 USC 6302 note.

(2) The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended until the programs provided for in subsection (e) of such section 4108 (as added by subsection (a) of this section) are implemented, but not later than October 1, 1990.

SEC. 207. HEALTH PROFESSIONAL SCHOLARSHIPS.

(a) APPLICANT PRIORITY AND EQUITABLE ALLOCATION FOR NURSING DEGREE APPLICANTS.—Section 4312(b)(5) is amended to read as follows:

"(5) In selecting applicants for the Scholarship Program, the Secretary—

"(A) shall give priority to applicants who will be entering their final year in a course of training; and

"(B) shall ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an associate degree in nursing.".

38 USC 4312 note.

(b) IMPLEMENTATION REQUIREMENT.—The Secretary of Veterans Affairs shall provide for the implementation of the amendment made by subsection (a) beginning with scholarships awarded under section 4312 of title 38, United States Code, during 1990.

TITLE III—HOUSING

Veterans Home Loan Indemnity and Restructuring Act of 1989.
38 USC 101 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Veterans Home Loan Indemnity and Restructuring Act of 1989".

SEC. 302. ESTABLISHMENT OF GUARANTY AND INDEMNITY FUND.

(a) NEW FUND.—(1) Section 1825 is amended to read as follows:

"§ 1825. Guaranty and Indemnity Fund

"(a) There is hereby established in the Treasury of the United States a revolving fund known as the Guaranty and Indemnity Fund.

"(b) The Guaranty and Indemnity Fund shall be available to the Secretary for all operations carried out with respect to housing loans guaranteed or insured under this chapter that are closed after December 31, 1989, except for operations with respect to loans for any purpose specified in section 1812 of this title, for loans guaranteed under section 1811(g) of this title, and for administrative expenses. For purposes of this subsection, the term 'administrative expenses' shall not include expenses incurred by the Secretary for appraisals performed after December 31, 1989, on a contractual basis in connection with the liquidation of housing loans guaranteed, insured, or made under this chapter.

"(c)(1) All fees collected under section 1829 of this title for loans with respect to which the Guaranty and Indemnity Fund is available shall be credited to such Fund.

"(2) There shall also be credited to the Guaranty and Indemnity Fund—

"(A) for each loan closed during fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.375 percent of the original amount of such loan for each of the fiscal years 1991 and 1992;

"(B) for each loan closed after fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.25 percent of the original amount of such loan for each of the three fiscal years beginning with the fiscal year in which such loan is closed;

"(C) all collections of principal and interest and the proceeds from the use or sale of property which secured a loan with respect to which the Guaranty and Indemnity Fund is available;

"(D) amounts required to be credited under subsections (a)(3) and (c)(2), including amounts credited pursuant to subsections (a)(4) and (c)(3), of section 1829 of this title;

"(E) fees collected under section 1829(b) of this title with respect to guaranteed or insured loans that are closed after December 31, 1989, and subsequently assumed; and

"(F) all income from the investments described in subsection (d) of this section.

Securities.

"(d)(1) The Secretary of the Treasury shall invest the portion of the Guaranty and Indemnity Fund that is not required to meet current payments made from such Fund, as determined by the Secretary of Veterans Affairs, in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(2) In making investments under paragraph (1) of this subsection, the Secretary of the Treasury shall select obligations having maturities suitable to the needs of the Guaranty and Indemnity Fund, as determined by the Secretary of Veterans Affairs, and bearing interest at suitable rates, as determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(e)(1) Notwithstanding subsection (b) of this section, the Guaranty and Indemnity Fund shall be available to the Secretary, to such extent as is, or in such amounts as are, provided for in appropriation Acts and subject to paragraph (2) of this subsection, for—

Contracts.

"(A) contracts for the performance of supplementary services described in paragraph (2) of section 1824(e) of this title for which the Secretary is otherwise authorized to contract; and

"(B) the acquisition of supplementary equipment described in such paragraph,

(not including services or equipment for which the Guaranty and Indemnity Fund is available under subsection (b) of this section), as the Secretary determines would assist in ensuring the long-term stability and solvency of the Guaranty and Indemnity Fund.

"(2) The Secretary may not in any fiscal year obligate more than a total of $25,000,000 for services or equipment under this subsection and section 1824(e) of this title.".

(2) Section 1824(e)(3) is amended—

(A) by inserting "a total of" before "$25,000,000"; and

(B) by inserting "and section 1825(e) of this title" before the period.

(3)(A) The section heading of section 1824 is amended to read as follows:

"§ 1824. Loan Guaranty Revolving Fund".

(B) The table of sections at the beginning of chapter 37 is amended by striking out the items relating to sections 1824 and 1825 and inserting in lieu thereof the following:

"1824. Loan Guaranty Revolving Fund.
"1825. Guaranty and Indemnity Fund.".

(b) ANNUAL SUBMISSION OF INFORMATION.—(1) Subchapter III of chapter 37 is amended by adding at the end the following new section:

"§ 1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund

"(a) In the documents providing detailed information on the budget for the Department of Veterans Affairs that the Secretary submits to the Congress in conjunction with the President's budget submission for each fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary shall include—

"(1) a description of the operations of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund during the fiscal year preceding the fiscal year in which such budget is submitted; and

"(2) the needs of such funds, if any, for appropriations in—

"(A) the fiscal year in which the budget is submitted; and

"(B) the fiscal year for which the budget is submitted.

"(b) The matters submitted under subsection (a) of this section shall include, with respect to each fund referred to in subsection (a), the following:

"(1) Information and financial data on the operations of the fund during the fiscal year before the fiscal year in which such matters are submitted and estimated financial data and related information on the operation of the fund for—

"(A) the fiscal year of the submission; and

"(B) the fiscal year following the fiscal year of the submission.

"(2) Estimates of the amount of revenues derived by the fund in the fiscal year preceding the fiscal year of the submission, in the fiscal year of the submission, and in the fiscal year following the fiscal year of the submission from each of the following sources:

"(A) Fees collected under section 1829(a) of this title for each category of loan guaranteed, insured, or made under this chapter or collected under section 1829(b) of this title for assumed loans.

"(B) Federal Government contributions made under clauses (A) and (B) of section 1825(c)(2) of this title.

"(C) Federal Government payments under subsections (a)(3) and (c)(2) of section 1829 of this title.

"(D) Investment income.

"(E) Sales of foreclosed properties.

"(F) Loan asset sales.

"(G) Each additional source of revenue.

"(3) Information, for each fiscal year referred to in paragraph (2) of this subsection, regarding the types of dispositions made and anticipated to be made of defaults on loans guaranteed, insured, or made under this chapter, including the cost to the fund, and the numbers, of such types of dispositions.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 1833 the following new item:

"1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.".

(c) Conforming Amendments.—Section 1824 is amended—

(1) in subsection (b), by inserting before the period at the end of the first sentence the following: "and the operations carried out in connection with the Guaranty and Indemnity Fund established by section 1825 of this title"; and

(2) in subsection (c)—

(A) by inserting after "title" in clause (2) the following: "for loans closed before January 1, 1990, except that fees collected (A) for all loans made for any purpose specified in section 1812 of this title, or (B) under subsection (b) of such section 1829 for guaranteed or insured loans that are closed before January 1, 1990, and subsequently assumed shall also be deposited in the Fund"; and

(B) by inserting after "under this chapter" in clause (3) the following: "(other than operations for which the Guaranty and Indemnity Fund established under section 1825 of this title is available)".

SEC. 303. LOAN FEE.

(a) In General.—Section 1829 is amended to read as follows:

"§ 1829. Loan fee

"(a)(1) Except as provided in subsection (c)(1) of this section, a fee shall be collected from each veteran obtaining a housing loan guaranteed, insured, or made under this chapter, and from each person obtaining a loan under section 1833(a) of this title, and no such loan may be guaranteed, insured, or made under this chapter until the fee payable under this section has been remitted to the Secretary.

"(2) The amount of such fee shall be 1.25 percent of the total loan amount, except that—

"(A) in the case of a loan made under section 1811 or 1833(a) of this title or for any purpose specified in section 1812 of this title, the amount of such fee shall be one percent of the total loan amount;

"(B) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a downpayment of 5 percent or more, but less than 10 percent, of the total purchase price or construction cost, the amount of such fee shall be 0.75 percent of the total loan amount; and

"(C) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a downpayment of 10 percent or more of the total purchase price or construction cost, the amount of such fee shall be 0.50 percent of the total loan amount.

"(3) Except as provided in paragraph (4) of this subsection, there shall be credited to the Guaranty and Indemnity Fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2) (A) or (B) of this title), on behalf of a veteran who has made a downpayment described in paragraph (2)(C) of this subsection, an amount equal to 0.25 percent of the total loan amount for the fiscal year in which the loan is closed and for the following fiscal year.

"(4) Credits to the Guaranty and Indemnity Fund under paragraph (3) of this subsection with respect to loans guaranteed or insured under this chapter that are closed during fiscal year 1990 shall be made in October 1990 and October 1991.

"(5) The amount of the fee to be collected under paragraph (1) of this subsection may be included in the loan and paid from the proceeds thereof.

"(b) Except as provided in subsection (c) of this section, a fee shall be collected from a person assuming a loan to which section 1814 of this title applies. The amount of the fee shall be equal to 0.50 percent of the balance of the loan on the date of the transfer of the property.

"(c)(1) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.

"(2) There shall be credited to the Guaranty and Indemnity Fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2) (A) or (B) of this title and subsection (a)(3) of this section), on behalf of a veteran or surviving spouse described in paragraph (1) of this subsection, an amount equal to the fee that, except for paragraph (1) of this subsection, would be collected from such veteran or surviving spouse.

"(3) Credits to the Guaranty and Indemnity Fund under paragraph (2) of this subsection with respect to loans guaranteed, insured, or made under this chapter that are closed during fiscal year 1990 shall be made in October 1990.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

38 USC 1829 note.

(c) FEE COLLECTION THROUGH 1989.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall collect fees under section 1829 of title 38, United States Code, through December 31, 1989.

38 USC 1829 note.

SEC. 304. INDEMNIFICATION AFTER DEFAULT.

(a) IN GENERAL.—Section 1803 is amended by adding at the end the following new subsection:

Fraud.

"(e)(1) Except as provided in paragraph (2) of this subsection, an individual who pays a fee under section 1829 of this title, or who is exempted under section 1829(c)(1) of this title from paying such fee, with respect to a housing loan guaranteed or insured under this chapter that is closed after December 31, 1989, shall have no liability to the Secretary with respect to the loan for any loss resulting from any default of such individual except in the case of fraud, misrepresentation, or bad faith by such individual in obtaining the loan or in connection with the loan default.

"(2) The exemption from liability provided by paragraph (1) of this subsection shall not apply to—

"(A) an individual from whom a fee is collected (or who is exempted from such fee) under section 1829(b) of this title; or

"(B) a loan made for any purpose specified in section 1812 of this title.".

(b) CONFORMING AMENDMENT.—The last sentence of section 1832(a)(1) is amended by striking out "If" and inserting in lieu thereof "Except as provided in section 1803(e) of this title, if".

SEC. 305. SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 1833 is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking out "Before October 1, 1990," and inserting in lieu thereof "Subject to subparagraph (C) of this paragraph,";

(B) in subparagraph (B), by striking out "occurring before October 1, 1990"; and

(C) in subparagraph (C), by striking out "October 1, 1990," and inserting in lieu thereof "October 1, 1989,";

(2) in subsection (a)(6), by striking out "October 1" and inserting in lieu thereof "December 31"; and

(3) by adding at the end the following new subsection:

Real property.

"(e) Notwithstanding any other provision of law, the amount received from the sale of any note evidencing a loan secured by real property described in subsection (a)(1) of this section shall be credited, without any reduction and for the fiscal year in which the amount is received, as offsetting collections of—

"(1) the revolving fund for which a fee under section 1829 of this title was collected (or was exempted from being collected) at the time of the original guaranty of the loan that was secured by the same property; or

"(2) in any case in which there was no requirement of (or exemption from) a fee at the time of the original guaranty of the loan that was secured by the same property, the Loan Guaranty Revolving Fund; and

the total so credited to any revolving fund for a fiscal year shall offset outlays attributed to such revolving fund during such fiscal year.".

38 USC 1833 note.

(b) EFFECTIVE DATES.—(1) If, before the date and time of the enactment of this Act, no provision of law has been enacted amending section 1833 of title 38, United States Code, by adding a new subsection (e) with a text substantively identical to the text of the new subsection (e) added to such section 1833 by subsection (a)(3) of this section, the provisions of subsection (a)(1) of this section amending subsection (a)(3) of such section 1833 shall not take effect.

(2) Subsection (e) of section 1833 of such title 38, as added by subsection (a)(3), shall apply with respect to amounts referred to in such subsection (e) received after September 30, 1989.

SEC. 306. INCREASE IN ENTITLEMENT AMOUNT.

(a) INCREASED ENTITLEMENT.—Section 1803(a)(1) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "or" after the semicolon in subclause (I); and

(B) by striking out subclause (II) and inserting in lieu thereof the following:

"(II) in the case of any loan of more than $45,000, but not more than $56,250, $22,500;

"(III) in the case of any loan of more than $56,250, but not more than $144,000, the lesser of $36,000 or 40 percent of the loan; or

"(IV) in the case of any loan of more than $144,000 for a purpose specified in clause (1), (2), (3), or (6) of section 1810(a) of this title, the lesser of $46,000 or 25 percent of the loan; or"; and

(2) in subparagraph (B), by striking out "$36,000" and inserting in lieu thereof "$36,000, or in the case of a loan described in subparagraph (A)(i)(IV) of this paragraph, $46,000,".

38 USC 1803 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply only with respect to loans closed after such date.

SEC. 307. NOTIFICATION REQUIREMENT.

Section 1832(a) is amended by adding at the end the following:

"(5) In the event of default in the payment of any loan guaranteed or insured under this chapter in which a partial payment has been tendered by the veteran concerned and refused by the holder, the holder of the obligation shall notify the Secretary as soon as such payment has been refused. The Secretary may require that any such notification include a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the holder's refusal.".

SEC. 308. NO-BID FORMULA.

(a) EXCLUSION OF INTEREST COSTS.—Section 1832(c)(1)(C)(ii) is amended by inserting before the period the following: ", excluding any amount attributed to the cost to the Government of borrowing funds".

(b) **Extension.**—(1) Section 1832(c)(11) of such title is amended by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1991".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1989.

Effective date.
38 USC 1832 note.

SEC. 309. REFINANCING LOANS.

(a) **Repeal of Limitation on Amount of Refinancing Loan.**—Section 1810 is amended by striking out subsection (h).

(b) **Conditions for Guaranteeing or Making a Refinancing Loan.**—Subsection (b) of section 1810 is amended—

(1) in clause (5)—

(A) by inserting "except in the case of a loan described in clause (7) or (8) of this subsection," after "(5)"; and

(B) by striking out "and," at the end;

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new clauses:

"(7) in the case of a loan (other than a loan made for a purpose specified in subsection (a)(8) of this section) that is made to refinance—

"(A) a construction loan,

"(B) an installment land sales contract, or

"(C) a loan assumed by the veteran that provides for a lower interest rate than the loan being refinanced,

the amount of the loan to be guaranteed or made does not exceed the lesser of—

"(i) the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title; or

"(ii) the sum of the outstanding balance on the loan to be refinanced and the closing costs (including discounts) actually paid by the veteran, as specified by the Secretary in regulations; and

"(8) in the case of a loan to refinance a loan (other than a loan or installment sales contract described in clause (7) of this subsection or a loan made for a purpose specified in subsection (a)(8) of this section), the amount of the loan to be guaranteed or made does not exceed 90 percent of the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title.".

SEC. 310. COMPUTATION OF ENTITLEMENT AMOUNT.

Section 1802(b) is amended—

(1) by striking out "or" at the end of clause (1)(B);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (2) the following new clause:

"(3)(A) the loan has been repaid in full; and

"(B) the loan for which the veteran seeks to use entitlement under this chapter is secured by the same property which secured the loan referred to in subparagraph (A) of this paragraph.".

SEC. 311. WAIVER OF INDEBTEDNESS TO THE UNITED STATES.

Section 3102 is amended—

(1) in subsection (b), by striking out "may" and inserting in lieu thereof "shall, except as provided in subsection (c) of this section,"; and

(2) in subsection (c)—

(A) by striking out "The" and all that follows through "thereon)" and inserting in lieu thereof "The recovery of any payment or the collection of any indebtedness (or any interest thereon) may not be waived under this section"; and

(B) by striking out ", material fault, or lack of good faith" and inserting in lieu thereof "or bad faith".

SEC. 312. STUDY OF HOME LOANS TO NATIVE-AMERICAN VETERANS.

(a) In General.—The Secretary of Veterans Affairs and the Secretary of the Interior shall jointly conduct a study to determine the following:

(1) The extent to which veterans who are Native Americans living on Native-American trust lands participate in the Department of Veterans Affairs home loan guaranty program under chapter 37 of title 38, United States Code.

(2) The level of participation of such veterans in such program, whether such participation is lower than the level of participation of all veterans and, if so, the reasons for the lower level of participation, including any reasons relating to the structure of the home loan guaranty program, the secondary mortgage market, the willingness of lenders to make home loans on trust land, cultural factors, and attitudinal factors.

(3) The legislative, regulatory, and administrative actions necessary, if any, to improve the access of the veterans referred to in paragraph (1) to benefits under chapter 37 of title 38, United States Code.

(4) Whether it would be desirable, feasible, and equitable to utilize the direct home loan authority under section 1811 of title 38, United States Code, to promote increased home ownership among such veterans.

(b) Considerations.—In conducting the study, the Secretaries shall consider—

(1) the concerns and recommendations of the Advisory Committee on Native-American Veterans contained in the reports submitted by that committee pursuant to section 19032(f) of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388);

(2) the experience of the Bureau of Indian Affairs and the Department of Housing and Urban Development in developing and carrying out programs designed to meet the home financing needs of Native Americans; and

(3) any experience of private-sector lending institutions in making loans on trust land.

(c) Report.—Not later than June 1, 1990, the Secretaries shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

(d) Definitions.—For the purposes of this section—

(1) the term "Native-American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs; and

(2) the term "Native American" means—

(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 313. CLARIFYING AND TECHNICAL AMENDMENTS.

(a) CLARIFYING AMENDMENT.—Section 1801(b) is amended by adding at the end the following new paragraph:

"(4) The term 'veteran' also includes an individual serving on active duty.".

(b) TECHNICAL AMENDMENTS.—Title 38 is amended as follows:

(1) Chapters 23, 24, and 37 are amended by striking out "Administrator" and "Administrator's" each place such terms appear (other than in sections 906(e)(2) and 1812(h)(2)(B) and in section 1845(a) the third place "Administrator" appears) and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(2) Subchapter III of chapter 37 is amended by striking out "Veterans' Administration" and "Veterans' Administration's" each place such terms appear and inserting in lieu thereof "Department of Veterans Affairs" and "Department of Veterans Affairs' ", respectively.

(3) Section 906(e)(2) is amended by striking out "Administrator or the Secretary" and inserting in lieu thereof "Secretary of Veterans Affairs or Secretary of the Army".

(4) Section 1005(a) is amended by inserting "of the Interior" after "Secretary" the second place it appears.

(5) Section 1009(b) is amended by inserting "of the Army" after "Secretary".

(6) Section 1803(c)(1) is amended by inserting "of Housing and Urban Development" after "Secretary" the second place it appears.

(7) Section 1812(h)(2)(B) is amended—

(A) by striking out "Secretary pursuant" and inserting in lieu thereof "Secretary of Housing and Urban Development pursuant"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) Section 1823(a) is amended by inserting "of the Treasury" after "Secretary" the last place it appears.

(9) Section 1823(d)(2) is amended by inserting "of the Treasury" after "Secretary".

TITLE IV—EDUCATION AND EMPLOYMENT

Veterans Education and Employment Amendments of 1989.
38 USC 101 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans Education and Employment Amendments of 1989".

SEC. 402. RATES OF REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—The table contained in section 1508(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$333	$413	$486	$35
Three-quarter time	$250	$310	$364	$27
Half-time	$167	$207	$244	$18
Farm cooperative, apprentice, or other on-job training:				
Full-time	$291	$352	$405	$26
Extended evaluation:				
Full-time	$333	$413	$486	$35
Independent living training:				
Full-time	$333	$413	$486	$35
Three-quarter time	$250	$310	$364	$27
Half-time	$167	$207	$244	$18".

38 USC 1508 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1990.

SEC. 403. RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—Chapter 35 is amended—

(1) in section 1732(a)(1), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the monthly rate of $404 for full-time, $304 for three-quarter-time, or $202 for half-time pursuit.";

(2) in section 1732(a)(2), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the rate of (A) the established charges for tuition and fees that the educational institution involved re-

quires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $404 per month for a full-time course, whichever is the lesser.";

(3) in section 1732(b), by striking out "$304" and inserting in lieu thereof "$327";

(4) in section 1732(c)(2), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "$327 for full-time, $245 for three-quarter-time, and $163 for half-time pursuit.";

(5) by amending section 1732(c)(3) to read as follows:

"(3) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (a)(2) of this section for less than half-time but more than quarter-time pursuit. If the entire training is to be pursued by independent study, the amount of the eligible person's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which such person is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary of Veterans Affairs, for resident training. An eligible person's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.";

(6) in section 1732(c)(4), by striking out "section 1682(e) of this title" and inserting in lieu thereof "paragraph (3) of this subsection";

(7) in section 1732(e), by inserting before the period the following: ", except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary of Veterans Affairs";

(8) in section 1733(a)(1), by striking out "benefits" and all that follows through the end of the paragraph and inserting in lieu thereof "assistance provided an eligible veteran under section 1691(a) (if pursued in a State) of this title and be paid an educational assistance allowance therefor in the manner prescribed by section 1691(b) of this title, except that the corresponding rate provisions of this chapter shall apply, as determined by the Secretary of Veterans Affairs, to such pursuit by an eligible person.";

(9) in section 1734(b), by striking out "1786 of this title" and inserting in lieu thereof "1786 (other than subsection (a)(2)) of this title and the period of such spouse's entitlement shall be charged with one month for each $404 which is paid to the

spouse as an educational assistance allowance for such course"; and

(10) in section 1742(a), by striking out "$376", "$119" (each place it appears), and "$12.58" and inserting in lieu thereof "$404", "$127", and "$13.46", respectively.

(b) Apprenticeship.—Section 1787(b)(2) is amended by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "$294 for the first six months, $220 for the second six months, $146 for the third six months, and $73 for the fourth and any succeeding six-month periods of training.".

38 USC 1732 note.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 404. PROVISION FOR PERMANENT PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 1520 is amended—

(1) by striking out subsection (b);

(2) by striking out paragraph (5) of subsection (a);

(3) by redesignating paragraphs (2), (3), (4), (6) and (7) of subsection (a) as subsections (b), (c), (d), (e) and (f), respectively;

(4) in subsection (a)—

(A) by striking out "(1) During fiscal years 1982 through 1989, the" and inserting in lieu thereof "The";

(B) by striking out "paragraph (7) of this subsection" and inserting in lieu thereof "subsection (f) of this section"; and

(C) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(5) in subsection (b), as redesignated by clause (3), by striking out "and who is selected" and all that follows through "subsection";

(6) in subsection (c), as redesignated by clause (3), by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(7) in subsection (e), as redesignated by clause (3), by striking out "of the fiscal years 1982 through 1989" and inserting in lieu thereof "fiscal year"; and

(8) in subsection (f), as redesignated by clause (3)—

(A) by striking out "paragraph" and inserting in lieu thereof "subsection"; and

(B) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

SEC. 405. VETERANS' AND RESERVISTS' WORK-STUDY PROGRAM.

(a) Criteria for Determining Work-Study Allowance.—(1) Section 1685(a) is amended—

(A) in the second sentence, by striking out "Such" and all that follows through "other applicable enrollment period," and inserting in lieu thereof "Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period,";

(B) by striking out the third and fourth sentences;

(C) by inserting "(1)" after "(a)"; and

(D) by adding at the end the following new paragraph:

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage.".

(2) Section 1685(b) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

(b) Selected Reservists' Work-Study Assignments.—The second sentence of section 1685(a), as amended by subsection (a)(1)(A), is further amended—

(1) in clause (3), by striking out "or" at the end; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (E) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities.".

(c) Eligibility.—Section 1685(b) is amended—

(1) in the first sentence by striking out "veteran-students who are pursuing" and all that follows through the period and inserting in lieu thereof "individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student."; and

(2) in the last sentence by striking out "the veteran ceases to be" through "the veteran" and inserting in lieu thereof "an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual".

(d) Technical Amendments.—(1) Section 1685(b) is amended by striking out "per centum" and inserting in lieu thereof "percent".

(2) Section 1685 is amended—

(A) by striking out "Veteran-students" in subsection (a) and inserting in lieu thereof "Individuals";

(B) by striking out "veteran-students" each place it appears and inserting in lieu thereof "individuals";

(C) by striking out "A veteran-student" in subsection (a) and inserting in lieu thereof "An individual";

(D) by striking out "veteran-student's" in subsection (a) and inserting in lieu thereof "individual's";

(E) by striking out "veterans" in subsection (c) and inserting in lieu thereof "individuals";

(F) by striking out "veteran" each place it appears, other than in subsection (c)(4), and inserting in lieu thereof "individual"; and

(G) by striking out "veteran's" in subsection (c)(2) and inserting in lieu thereof "individual's".

(3) Section 2136(b) of title 10, United States Code, is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(4)(A) The section heading of section 1685 is amended to read as follows:

"§ 1685. Work-study allowance".

(B) The table of sections at the beginning of chapter 34 is amended by striking out the item for section 1685 and inserting in lieu thereof the following:

"1685. Work-study allowance.".

10 USC 2136 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990, and shall apply to services performed on or after that date.

SEC. 406. WORK-STUDY PROGRAM FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—(1) Subchapter IV of chapter 35 is amended by inserting after section 1736 the following new section:

"§ 1737. Work-study allowance

"(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 1685(a) of this title, the services of any eligible person who is pursuing, in a State, at least a three-quarter-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereafter in this section referred to as 'work-study allowance') in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 1685(a) of this title.

"(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 1685 of this title with regard to individuals pursuing at least three-quarter-time programs of education referred to in subsection (b) of such section.".

(2) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 1736 the following new item:

"1737. Work-study allowance.".

38 USC 1737 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990.

SEC. 407. EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT AUTHORITY.

(a) EXTENSION OF AUTHORITY.—(1) Paragraph (2) of section 2014(b) is redesignated as paragraph (4) and is amended by striking out "1989" and inserting in lieu thereof "1993".

(2) Section 2011(2)(B) is amended by inserting before the period the following: "except for purposes of section 2014 of this title".

Vietnam.

(b) ELIGIBILITY.—(1) Section 2014(a)(1) is amended by striking out "qualified disabled veterans and veterans of the Vietnam era" and inserting in lieu thereof "certain veterans of the Vietnam era and veterans of the post-Vietnam era who are qualified for such employment and advancement".

(2) Subsection (b) of section 2014 is amended—

(A) in paragraph (1)—

(i) by striking out "veterans of the Vietnam era" and inserting in lieu thereof "veterans referred to in paragraph (2) of this subsection";

(ii) in clause (A), by inserting the following before the semicolon: "or in the case of a veteran referred to in paragraph (2)(A) of this subsection, the level of GS-11 or its equivalent";

(iii) by striking out clause (B) and inserting in lieu thereof the following:

"(B) a veteran referred to in paragraph (2) of this subsection shall be eligible for such an appointment during (i) the four-year period beginning on the date of the veteran's last discharge or release from active duty, or (ii) the two-year period beginning on the date of the enactment of the Veterans Education and Employment Amendments of 1989, whichever ends later;";

(iv) in clause (C), by inserting "referred to in paragraph (2) of this subsection" after "a veteran of the Vietnam era";

(v) by striking out "and" at the end of clause (C);

(vi) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and"; and

(vii) by adding after clause (D) the following new clauses:

"(E) the requirement of an educational or training program for a veteran receiving such an appointment shall not apply if the veteran has 15 years or more of education; and

"(F) in the case of a veteran who is not a disabled veteran, the veteran may not have completed more than 16 years of education at the time of the veteran's appointment."; and

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) This subsection applies to—

"(A) a veteran of the Vietnam era who—

"(i) has a service-connected disability; or

"(ii) during such era, served on active duty in the Armed Forces in a campaign or expedition for which a campaign badge has been authorized; and

"(B) a veteran who served on active duty after the Vietnam era.

"(3) For purposes of paragraph (1)(B)(i) of this subsection, the last discharge or release from a period of active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1990. 38 USC 2011 note.

SEC. 408. PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO MEMBERS OF THE ARMED FORCES SEPARATING FROM THE ARMED FORCES.

38 USC 2000 note.

(a) Requirement for Program.—During the three-year period beginning on January 1, 1990, the Secretary of Labor (hereafter in this section referred to as the "Secretary"), in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, shall conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before such members are separated from the Armed Forces.

(b) Areas To Be Covered by the Program.—The Secretary shall conduct the pilot program in at least five, but not more than ten, geographically dispersed States in which the Secretary determines that employment and training services to eligible veterans will not be unduly limited by the provision of such services to members of the Armed Forces under the pilot program.

(c) Utilization of Specific Personnel.—The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives to the maximum extent feasible to furnish employment and training information and services under the pilot program.

(d) Report.—Not later than May 1, 1992, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the findings and conclusions reached as a result of such pilot program.

SEC. 409. SECONDARY SCHOOL REQUIREMENTS FOR MONTGOMERY GI BILL ELIGIBILITY.

Sections 1411(a)(2) and 1412(a)(2) are amended—

(1) by inserting "(i)" after "except that"; and

(2) by inserting before "; and" at the end the following: ", and (ii) an individual described in clause (1)(A) of this subsection may meet such requirement by having successfully completed the equivalent of such 12 semester hours before the end of the individual's initial obligated period of active duty".

SEC. 410. PROHIBITION ON RECEIVING CREDIT UNDER TWO PROGRAMS.

Section 1621 is amended by adding at the end the following:

"(f) An individual who serves in the Selected Reserve may not receive credit for such service under both the program established by this chapter and the program established by chapter 106 of title 10 but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited.".

SEC. 411. ACCEPTING SCHOOL CERTIFICATION FOR RENEWAL OF EDUCATIONAL BENEFITS AFTER UNSATISFACTORY PROGRESS.

(a) Veterans' Educational Assistance.—Section 1674 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the veteran—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

(b) Survivors' and Dependents' Educational Assistance.—Section 1724 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the eligible person will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such eligible person's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the eligible person—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the eligible person's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

SEC. 412. UNIFORMITY OF ATTENDANCE REQUIREMENT.

(a) IN GENERAL.—Section 1780(a) is amended—

(1) in clause (1) of the second sentence, by striking out "enrolled in a course" through "1788(a)(7) of this title,";

(2) by striking out clause (2) of the second sentence;

(3) by redesignating clauses (3), (4), and (5) of the second sentence as clauses (2), (3), and (4), respectively;

(4) in the third sentence, by striking out "set forth in clause (1) or (2)" and inserting in lieu thereof "set forth in clause (1)";

(5) in subclause (A) of the third sentence, by striking out ", and such periods" through "subsection"; and

(6) in subclauses (B) and (C) of the third sentence by striking out ", but such periods" through "subsection".

(b) CONFORMING AMENDMENTS.—Section 1674 and section 1724 are each amended by striking out "conduct" in the first sentence and inserting in lieu thereof "attendance, conduct,".

SEC. 413. PROGRAM ADMINISTRATION.

(a) Section 1788 is amended—

(1) in subsection (a), by inserting after "three hours" in clause (C) of the penultimate sentence the following: "(or three 50-minute periods)"; and

(2) in subsection (c), by inserting after "three hours" in the second sentence the following: "(or three 50-minute periods)".

38 USC 1434 note.

(b) Through July 1, 1990, no provision of law shall preclude the Department of Veterans Affairs, in making determinations of the active-duty or Selected Reserve status, or the character of service, of individuals receiving benefits under chapter 30 or 32 of title 38, United States Code, or chapter 106 of title 10, United States Code, from continuing to use any category of information provided by the Department of Defense or Department of Transportation that the Department of Veterans Affairs was using prior to the date of the enactment of this Act, if the Secretary of Veterans Affairs determines that the information has proven to be sufficiently reliable in making such determinations.

SEC. 414. FUNDING FOR STATE APPROVING AGENCIES FOR TRAINING CURRICULUM DEVELOPMENT.

Section 1774(a) is amended—

(1) in paragraph (2)(A), by striking out "section and for" and inserting in lieu thereof "section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title (except for administrative overhead expenses allocated to such activities), and for"; and

(2) in paragraph (2)(C), by inserting before the period the following: "and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title for such period (except for administrative overhead expenses allocated to such activities)".

SEC. 415. PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION.

(a) WITHHOLDING OF BENEFITS; FORM OF PROOF.—Section 1780(g) is amended by striking out "the Administrator is authorized" in the second sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.".

(b) CONFORMING AMENDMENTS.—Section 1434 is amended—

(1) in subsection (a)(1), by striking out "1780(g),";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 416. REPORTING FEES.

(a) IN GENERAL.—Section 1784 is amended—

(1) in subsection (a)(1), by striking out "chapter 34" and inserting in lieu thereof "chapter 31, 34,";

(2) in subsection (b), by striking out "chapters 34" and inserting in lieu thereof "chapters 31, 34"; and

(3) in subsection (c), by striking out "chapter 34" each place it appears and inserting in lieu thereof "chapter 31, 34,".

38 USC 1784 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 417. CLOCK-HOUR MEASUREMENT OF CERTAIN UNIT COURSES OR SUBJECTS CREDITABLE TOWARD A STANDARD COLLEGE DEGREE.

Section 1788(e) is amended to read as follows:

"(e)(1) For the purpose of measuring clock hours of attendance or net of instruction under clause (1) or (2), respectively, of subsection (a) of this section for a course—

"(A) which is offered by an institution of higher learning, and

"(B) for which the institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree pursued in residence on a standard quarter- or semester-hour basis,

the number of credit hours (semester or quarter nours) represented by such unit courses or subjects shall, during the semester, quarter, or other applicable portion of the academic year when pursued, be converted to equivalent clock hours, determined as prescribed in paragraph (2) of this subsection. Such equivalent clock hours then shall be combined with actual weekly clock hours of training concurrently pursued, if any, to determine the total clock hours of enrollment.

"(2) For the purpose of determining the clock-hour equivalency described in paragraph (1) of this subsection, the total number of credit hours being pursued will be multiplied by the factor resulting from dividing the number of clock hours which constitute full time under clause (1) or (2) of subsection (a) of this section, as appropriate, by the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution.".

SEC. 418. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN COURSES.

Section 1789(b)(6)(B) is amended by inserting "and members of the Selected Reserve of the Ready Reserve eligible for educational assistance under chapter 106 of title 10;" after "dependents".

SEC. 419. EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS.

Section 3013 is amended—

(1) by striking out "Effective" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, effective"; and

(2) by adding at the end the following new subsection:

"(b) The effective date of an adjustment of benefits under any chapter referred to in subsection (a) of this section, if made on the basis of a certification made by the veteran or person and accepted by the Secretary under section 1780(g) of this title, shall be the date of the change.".

SEC. 420. DETERMINATION OF DELIMITING PERIOD.

(a) MINIMUM REQUIREMENT FOR ACTIVE DUTY SERVICE.—(1) Section 1431 is amended—

(A) by adding at the end the following new subsection:

"(g) For purposes of subsection (a) of this section, an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in subsection (a), by inserting ", and subject to subsection (g)," before "of this section," in the material preceding clause (1).

(2) Section 1632(a) is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by inserting ", and subject to paragraph (4)," before "of this subsection,".

(3) Section 1662(a) is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by striking out "No" and inserting in lieu thereof "Subject to paragraph (4) of this subsection, no".

(b) Special Rule.—Section 1431(e) is amended—

(1) by striking out "(e) In" and inserting in lieu thereof "(e)(1) Except as provided in paragraph (2) of this subsection, in"; and

(2) by adding at the end the following:

"(2) In the case of an individual to which paragraph (1) of this subsection is applicable and who is described in section 1652(a)(1)(B) of this title, the 10-year period prescribed in subsection (a) of this section shall not be reduced by any period in 1977 before the individual began serving on active duty.".

38 USC 241 note.

SEC. 421. INFORMATION TO ASSIST VETERANS RECEIVING EDUCATION BENEFITS.

(a) In General.—For the purpose of assisting individuals receiving education benefits from the Department of Veterans Affairs, the Secretary of Veterans Affairs shall prepare, and update periodically, a document containing a detailed description of the benefits, limitations, procedures, requirements, and other important aspects of the education programs administered by the Department.

(b) Distribution.—The Secretary shall, beginning in fiscal year 1990 but not before July 1, 1990, distribute copies of such document—

(1) to each individual applying for benefits under an education program administered by the Department of Veterans Affairs and to each such individual at least annually in the years thereafter in which the individual receives such benefits;

(2) to education and training institution officials on at least an annual basis; and

(3) upon request, to other individuals significantly affected by education programs administered by the Secretary, including military education personnel.

(c) Funding.—The Secretary shall use funds appropriated to the readjustment benefits account of the Department to carry out this section.

SEC. 422. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) The Montgomery GI Bill Active Duty Program.—(1) Section 1434 is amended by inserting after subsection (c), as added by section 423(a)(6)(B), the following new subsection:

"(d)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the

Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 1432 is amended by inserting at the end the following new subsection:

"(f)(1) Notwithstanding subsection (a) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1434(d) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The number of months of entitlement charged in the case of any individual for a program of education described in paragraph (1) of this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such program by the monthly rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), or (c) of section 1415 of this title, as the case may be.".

(b) THE MONTGOMERY GI BILL SELECTED RESERVE PROGRAM.—(1) Section 2136 of title 10, United States Code, is amended by adding the following new subsection:

"(c)(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of title 38) by an individual entitled to educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 2131 of such title is amended—

(A) in subsection (b), by striking out "(f)" and inserting in lieu thereof "(g)"; and

(B) by adding at the end the following new subsection:

"(g)(1) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 2136(c) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each $140 which is paid to that individual as an educational assistance allowance for such program.".

38 USC 1434 note.

(c) EVALUATION OF PROVIDING ASSISTANCE FOR FLIGHT TRAINING.—(1)(A) The Secretary of Veterans Affairs shall conduct an evaluation of paying educational assistance for flight training under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code.

(B) The evaluation required by subparagraph (A) shall be designed to determine the effectiveness of the provision of educational assistance referred to in such subparagraph in preparing the recipients of such assistance for recognized vocational objectives in the field of aviation.

Reports.

(2) Not later than January 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation required by paragraph (1). Such report shall include—

(A) information, separately as to payments made under chapter 30 of title 38, United States Code, and payments made under chapter 106 of title 10, United States Code, regarding—

(i) the number of recipients paid educational assistance allowances for flight training;

(ii) the amount of such assistance;

(iii) the amount paid by the recipients for such training;

(iv) the vocational objectives of the recipients; and

(v) the extent to which the training (I) assists the recipients in achieving employment in the field of aviation, or (II) was used only or primarily for recreational or avocational purposes; and

(B) any recommendations for legislation that the Secretary considers appropriate to include in the report.

10 USC 2131 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1990.

SEC. 423. TECHNICAL AND CLERICAL AMENDMENTS.

(a) IN GENERAL.—Title 38 is amended as follows:

(1)(A) Section 1412(a)(1) is amended—

(i) in clause (A)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion"; and

(ii) in clause (B)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion".

(B) Section 1412(b)(2) is amended by striking out "Continuity of service" and all that follows through "such clauses" and inserting in lieu thereof "After an individual begins service in the Selected Reserve within one year after completion of the service described in clause (A)(i) or (B)(i) of subsection (a)(1) of this section, the continuity of service of such individual as a member of the Selected Reserve".

(2) Section 1413 is amended—

(A) in subsections (a)(2) and (b), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)";

(B) in subsection (a)(2), by striking out "1411(a)(1)(B)(ii)(I)" the second place it occurs and inserting in lieu thereof "1411(a)(1)(A)(ii)(I)"; and

(C) in subsection (c)—

(i) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(ii) by adding at the end of such subsection the following:

"(3) Subject to section 1795 of this title and subsection (d) of this section, an individual described in clause (B) or (C)(ii) of section 1418(b)(3) of this title (other than an individual described in paragraph (2) of this subsection) is entitled to the number of months of educational assistance under this chapter that is equal to the number of months the individual has served on continuous active duty after June 30, 1985.".

(3) Section 1417(a)(1)(A)(ii) is amended by striking out "but for" and all that follows through "of this title" and inserting in lieu thereof "but for clause (1)(A)(i) or clause (2)(A) of section 1411(a) or clause (1)(A)(i) or (ii) or clause (2) of section 1412(a) of this title".

(4) Section 1431(f) is amended by striking out ", under this section," in paragraphs (1) and (2) and inserting in lieu thereof ", under section 1413,".

(5)(A) Section 1434(a)(3) is amended by striking out "employment)" and inserting in lieu thereof "employment during and since the period of such veteran's active military service)".

(B) Section 1641(a)(2) is amended by striking out "employment)" and inserting in lieu thereof "employment during and since the period of such veteran's active military service)".

(6) Section 1434 is amended—

(A) in subsection (a)(1), by inserting "1780(f)," after "1780(c),"; and

(B) by inserting after subsection (b), as redesignated by section 415(b)(3), the following new subsection:

"(c) Payment of educational assistance allowance in the case of an eligible individual pursuing a program of education under this chapter on less than a half-time basis shall be made in a lump-sum amount for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such individual has enrolled in and is pursuing a program at such institution. Such lump-sum payment shall be computed at the rate determined under section 1432(b) of this title.".

(7) Section 1633 is amended by adding at the end the following new subsection:

"(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.".

(8)(A) Section 1781(b) is amended by adding at the end the following:

"(5) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(B) Section 1795(a) is amended by adding at the end the following:

"(8) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(9) Section 1790 is amended—

(A) in subsection (a)(2) by striking out "and prepayment";

(B) in subsection (b)(3)(A) by inserting "30," before "32"; and

(C) in subsection (b)(3)(B)—

(i) by striking out "(B)(i)" and inserting in lieu thereof "(B)"; and

(ii) by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively.

(b) Technical Amendments to Chapters 30, 31, 32, 34, 35, 36, and 41 Concerning the New Department of Veterans Affairs.—Title 38 is amended as follows:

(1) Chapters 30, 31, 32, 34, 35, and 36 are amended—

(A) by striking out "Administrator" each place it appears (other than in section 1652(b)) and inserting in lieu thereof "Secretary"; and

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(2) Sections 1723(e), 1743(a), 1779(b), 1780(d)(3), 1790(b)(3)(B)(i)(III), 1794, 1796(c), and 1799(d) are amended by striking out "Administrator's" and inserting in lieu thereof "Secretary's".

(3) Section 1402(5) is amended to read as follows:

"(5) The term 'Secretary of Defense' means the Secretary of Defense, except that it means the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(4) The following sections, as in effect on the day before the date of the enactment of this Act, are amended by inserting "of Defense" after "Secretary":

(A) Sections 1418(a)(3), 1621(c), 1621(e), 1622(a), 1622(d), 1623(b), 1631(a)(2)(C), and 1642.

(B) Sections 1421(a), 1421(b), and 1622(e), the second place "Secretary" appears.

(C) Section 1422(b), the third place "Secretary" appears.

(D) Sections 1436(b), 1622(c), and 1643, each place "Secretary" appears.

(5) Section 1415(c), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by striking out "prescribed by the Secretary," and inserting in lieu thereof "prescribed by the Secretary of Defense,"; and

(B) by inserting "of Defense" after "Secretary" the last place it appears.

(6) Section 1621(b)(1), as in effect on the day before the date of the enactment of this Act, is amended by striking out "(hereinafter" and all that follows through "Secretary')".

(7) Section 1623(d), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by inserting "of Defense" after "Secretary" the first place it occurs; and

(B) by striking out "the Secretary" the second place it appears and inserting in lieu thereof "such Secretary".

(8) Chapter 41 is amended—

(A) by striking out "Administrator" each place it appears (other than in paragraphs (1) and (2) of section 2002A(e) and in section 2010(b)(1)(G)) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

TITLE V—MEMORIAL AFFAIRS

SEC. 501. REIMBURSEMENT FOR COST OF CEMETERY HEADSTONE OR MARKER.

Subsection (d) of section 906 is amended—

(1) by striking out "actual costs incurred by or on behalf of such person in acquiring" in the first sentence and inserting in lieu thereof "cost of acquiring";

(2) by inserting after the first sentence the following: "The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be."; and

(3) by striking out "the preceding sentence" and inserting in lieu thereof "this subsection".

SEC. 502. BURIAL OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end the following new section:

"§ 1010. Burial of cremated remains in Arlington National Cemetery

"(a) The Secretary of the Army shall designate an area of appropriate size within Arlington National Cemetery for the unmarked interment, in accordance with such regulations as the Secretary may prescribe, of the ashes of persons eligible for interment in Arlington National Cemetery whose remains were cremated. Such area shall be an area not suitable for the burial of casketed remains.

"(b) The Secretary of the military departments shall make available appropriate forms on which those members of the Armed Forces who so desire may indicate their desire to be buried within the area to be designated under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1010. Burial of cremated remains in Arlington National Cemetery.".

SEC. 503. MEMBERSHIP ON AMERICAN BATTLE MONUMENTS COMMISSION.

The first section of the Act entitled "An Act for the creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes" (36 U.S.C. 121), approved March 4, 1923, is amended by striking out "commissioned officers" in the third sentence and inserting in lieu thereof "members".

SEC. 504. GRAVE LINERS.

(a) IN GENERAL.—Subsection (e)(1) of section 906 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary of Veterans Affairs shall provide a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket.".

38 USC 906 note

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interments that occur after January 1, 1990.

SEC. 505. OPERATION OF CERTAIN CEMETERY.

Michigan.
Contracts.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

TITLE VI—MISCELLANEOUS

SEC. 601. EXPANSION OF MULTIYEAR PROCUREMENT AUTHORITY TO INCLUDE NON-MEDICAL ITEMS.

(a) EXPANSION OF AUTHORITY.—Section 114 is amended—

(1) in subsection (a), by striking out "for use in Veterans' Administration health-care facilities";

(2) in subsection (b)(2)(A), by striking "health-care"; and

(3) in subsection (e)—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 114. Multiyear procurement".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 is amended to read as follows:

"114. Multiyear procurement.".

SEC. 602. COURT OF VETERANS APPEALS.

(a) JUDICIAL PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS.—(1) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(A) in clause (9), by inserting "United States Court of Veterans Appeals;" after "Appeals;"; and

(B) in clause (10)—

(i) by striking out "or" the first place it appears; and

(ii) by inserting a comma and "or of the United States Court of Veterans Appeals" after "Appeals".

Reports.
28 USC app. 302 note.

(2) Not later than 30 days after the date of the enactment of this Act, each person who, on that date, is a judge of the United States Court of Veterans Appeals or a judicial employee of such court and each person who, before that date, has been nominated by the President to be a judge on such court shall file a report containing the information described in section 302(b) of the Ethics in Government Act of 1978 (28 U.S.C. App. 302(b)). Subsections (e), (f), and (g) of section 302 of such Act shall apply to the requirement in the preceding sentence.

(b) Authority to Administer Oaths.—Section 4054 is amended by adding at the end the following new subsection:

"(d) Judges of the Court shall have the authority to administer oaths.".

(c) Authority to Compel Actions Unreasonably Delayed.—Section 4061(a)(2) is amended by inserting "or unreasonably delayed" after "withheld".

Real property.

SEC. 603. COLLOCATION AND LEASE PURCHASE.

(a) Regional Offices and Medical Centers.—Section 230 is amended by adding at the end the following new subsection:

"(c)(1) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the collocation of at least three regional offices with medical centers of the Department—

"(A) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

"(B) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such collocation.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1)(A) or (B) of this subsection.

"(B) Such real property shall be used as the site of a facility—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus "(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6)(A) Subject to subparagraph (C)(i) of this paragraph, the Secretary shall, within 120 days of the date of the enactment of this subsection, issue an invitation for offers with respect to three collocations to be carried out under this subsection. Such invitation shall include, with respect to each such collocation, at least—

"(i) identification of the site to be developed;

"(ii) minimum office space requirements for regional office activities;

"(iii) design criteria of the facility to be constructed;

"(iv) a plan for meeting the security and parking needs for the facility and its occupants and visitors;

"(v) a statement of current and projected rents and other costs for regional office activities;

"(vi) the estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility;

"(vii) a plan for securing appropriate licenses, easements, and rights-of-way; and

"(viii) a list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

"(B) Subject to subparagraph (C)(ii) of this paragraph, the Secretary shall—

"(i) within one year after the date on which the invitation is issued under subparagraph (A) of this paragraph, enter into an agreement to carry out one collocation under this subsection; and

"(ii) within 180 days after entering into the agreement referred to in clause (i) of this subparagraph, enter into agreements to carry out two additional collocations,

unless the Secretary determines that it is not economically feasible for the Department of Veterans Affairs to undertake them, taking into consideration all of the tangible and intangible benefits associated with such collocations.

"(C) The Secretary shall—

"(i) at least 10 days before the issuance or other publication of the invitation referred to in subparagraph (A) of this paragraph, transmit a copy of such invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(ii) at least 30 days before entering into an agreement under subparagraph (B) of this paragraph, transmit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under subparagraph (A) of this paragraph.

"(7) The authority to enter into an agreement under this subsection shall expire on October 1, 1992.".

(b) LEASE-PURCHASE OF CERTAIN MEDICAL CENTERS.—Section 5003 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary may provide for the acquisition of not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements on real property under the jurisdiction of the Department of Veterans Affairs.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party any of the real property described in paragraph (1) of this subsection.

"(B) Such real property shall be used as the site of a facility referred to in paragraph (1) of this subsection—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and for such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6) The authority to enter into an agreement under this subsection—

"(A) shall not take effect until the Secretary has entered into agreements under section 230(c) of this title to carry out at least three collocations; and

"(B) shall expire on October 1, 1993.".

38 USC 620B note.

SEC. 604. RATIFICATION.

Any actions of the Secretary of Veterans Affairs in carrying out the provisions of section 620B of title 38, United States Code, section

115 of the Veterans Benefits and Services Act of 1988, section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, or section 1829 of such title, by contract or otherwise, during the period beginning on December 1, 1989, and ending on the date of the enactment of this Act are hereby ratified.

Approved December 18, 1989.

LEGISLATIVE HISTORY—H.R. 901 (S. 13):

HOUSE REPORTS: No. 101-107 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 101-126 accompanying S. 13 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 135 (1989):
  June 27, considered and passed House.
  Oct. 3, considered and passed Senate, amended.
  Nov. 20, House concurred in Senate amendments with amendments. Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
  Dec. 18, Presidential statement.

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